MEMOIRS

OF THE

PUBLIC LIFE

OF THE LATE RIGHT HONOURABLE

CHARLES JAMES FOX.

By R. FELL.

Carum esse civibus, bene de republica mereri, coli, laudari, diligi, est gloriosum.

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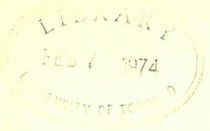

TO THE

RIGHT HONOURABLE

LORD HOLLAND,

THESE MEMOIRS

OF THE PUBLIC LIFE OF HIS ILLUSTRIOUS AND LAMENTED RELATIVE,

THE LATE RIGHT HONOURABLE

CHARLES JAMES FOX,

ARE INSCRIBED,

IN A SINCERE AND RESPECTFUL ATTACHMENT TO HIS CHARACTER AND PRINCIPLES,

BY HIS MOST HUMBLE AND OBEDIENT SERVANT,

R. FELL.

PREFACE.

THE following pages, though more expressly devoted to the public life of Mr. Fox, may be considered as a narrative of the leading events of the history not only of this country, but of Europe and the civilized world, during the awful and eventful period in which that great statesman, and first of British patriots and orators, in modern times, flourished as a public man. The Author's idea, when he undertook this Work, and it has been abundantly confirmed in its progress, was, that a digest of the recorded opinions of Mr. Fox (even imperfect as they are, either through the negligence or the incapacity of newspaper reporters) would comprehend the discussion of almost all the great questions that have in any ages engaged the attention, or divided the interests, of mankind. No person in the least acquainted with the proceedings of the British legislature for the last thirty years need be told, that

that there is scarcely any subject of importance on which Mr. Fox has not left something like a recorded opinion; and, in the judgment of the compiler of the sheets that follow, it was one of the most striking features in the intellectual character of that illustrious man, and in which he far excelled all his contemporaries, that though no orator ever scrutinized local and temporary politics with more acuteness and sagacity than he did, his opinions, divested of their particular reference, are applicable to any times and circumstances, and may be appealed to in all ages and countries as conveying the soundest precepts of moral and political wisdom.

In these times of political contest and debate, it would be impossible to give the Life of a man who divided so much the public judgment as Mr. Fox, without giving offence to some. From those who were the enemies of Mr. Fox's politics, when living, the Author of these Memoirs may naturally expect reprehension; but he to whom praise is almost wholly indifferent, cannot be supposed to feel much from censure. From the friends of Mr. Fox, he has indulgence to ask for a Work composed under many untoward

toward circumstances, often in sadness of heart, and never without the humiliating reflection that the task he had undertaken was one that he wanted both talents and ease of mind to execute to his satisfaction. He has endeavoured to present the public with as much of the illustrious subject of his Memoirs, and as little of himself, as possible, and in this consists his whole merit. He will not stoop to compare his own labours with those that have hitherto appeared on the same subject, which are not merely impositions on the public, but acts of cruelty to the memory of a great man. He dares not hope for praise; but venerating the memory of Mr. Fox in a degree which cannot be exceeded by those who were bound to him by the dearest ties of relationship and association, he should hold himself singularly unfortunate should a passage be found in his Work which could give offence to the most affectionate of his friends. This is the only offence that he fears to give, and the only censure that he dreads to receive. For the rest, he is fully sensible of the imperfections of his Work, and no one will rejoice more than himself (if the republic of letters is to receive that favour) to see it superseded by a more authentic publication from the pen of that noble person to whom these Memoirs

Memoirs are inscribed, and who is so much better qualified, as well in point of talents as in every other respect, to supply that information which an obscure individual cannot be expected to afford.

London, December 4, 1807.

MEMOIRS,

&c. &c. &c.

THE right honourable Charles James Fox was the third son of Henry first lord Holland, by lady Georgiana Carolina, eldest daughter of the second duke of Richmond. He was born on the 24th of January 1749 O. S. which answers to the 13th of January according to the new computation. On his mother's side he inherited the blood of the Stuarts and of Henry of Navarre: on his father's his ancestors were respectable, but not noble. Sir Stephen Fox, the father of lord Holland, held several distinguished appointments at the court of Charles II, and was some time master of the horse to that monarch. He was a person of much piety, and of a noble and generous disposition. The churches of Farley in Wiltshire and Culford in Suffolk, which he rebuilt from the ground, remain monuments of the former; and his donation of above thirteen thousand pounds to the military hospital at Chelsea, of which benevolent institution he was a zealous patron and promoter, is a striking example of the latter. Sir Stephen Fox, in 1703, married a second time, at the advanced age of seventy-six years, and had two sons, both of whom received the honour of the peerage, Stephen, the eldest, being created by George II earl of Ilchester, and Henry, the second son, lord Holland, by his present majesty.

Lord Holland was introduced early into public life, under the auspices of sir Robert Walpole, and soon distinguished himself for his readiness in debate, and knowledge of parliamentary business. In 1754 he was appointed secretary at war, and the following year was called to a seat in the cabinet, and raised to the post of secretary of state for the southern or foreign department. He continued, however, to hold this appointment but a short time, being displaced in the course of the year by Mr. Pitt, afterwards earl of Chatham. The commencement of the war, which began in 1756, was inauspicious; Minorca was conquered, and the glory of the British flag tarnished in the unfortunate encounter which took place between Bing and De la Galissoniere in sight of that island. These circumstances exciting great discontent throughout the nation, the king, who *really* loved his subjects and *earnestly* consulted their happiness, wisely yielded to the voice of his people, dismissed the most unpopular of his ministers, and placed Mr. Pitt at the head of administration, though it is well known that statesman was personally obnoxious to him.

Mr. Fox's retirement from the sweets of office was not, however, of any long continuance, for the discontents of the nation being allayed by the execution of Bing, in every respect a weak and incapable commander, but certainly undeserving of the severe punishment inflicted on him, a coalition of parties was formed, and Mr. Fox was consoled for the loss of the seals with the subordinate but immensely lucrative post of paymaster-general of the forces. He continued in this office till the spring of the year 1763, when he was raised to the peerage; and, on the resignation of the earl of Bute, about the same time, finally retired from public life. The emoluments which lord Holland derived from his office, served for many years to furnish a popular subject of declamation and invective; in a city address he was stiled,

stiled, "the public defaulter of unaccounted millions;" the first body corporate in the kingdom denounced him at the foot of the throne as the worst of peculators, and, in a tone of remonstrance rather than of entreaty, demanded the sequestration of his wealth, and the removal of his name from the honourable list of his majesty's confidential advisers. It is but justice, however, to the memory of lord Holland to observe, that the reflections thrown on his character respecting his conduct while he held the office of paymaster, seem to have originated more in party animosities, inflamed by the spirit of a Junius, than any generous feeling for the public interest, or honest resentment at the malversation of the national treasures. Lord Holland, it has been admitted, created no new or extraordinary emoluments of office; the profits which he derived from his situation were such as were known and understood by all; such as his predecessors had enjoyed before him, without the slightest interruption or censure, and were forbidden by no law whatever. The only difference between lord Holland and his predecessors was, that he continued in office during the greater part of the most expensive war in which the nation had hitherto been engaged, a war in which upwards of eighty millions were expended, and consequently the personal emoluments of his post must have been greater than any former paymaster had enjoyed.

But these considerations are almost foreign to the design of this work. It is needless, and probably it would be thought ungrateful here, to enter into any minute delineation of the character of lord Holland as a public man. He had but few pretensions indeed to the character of a statesman in the enlarged sense of the term, and those pretensions, such as they were, he laboured so assiduously, through the whole course of his life, to absorb in the more profitable occupation of a courtier, that it would be difficult

to form any accurate judgment of his capacity for the higher departments of government. His talents for managing the house of commons were certainly of the first order; but if this expressive phrase be allowed its full force, it is little praise to say, what is all that is implied by it, that he intrigued as successfully as Mr. Harley, or corrupted as happily as sir Robert Walpole. He lived and acted in times of a passive mediocrity of talents and events, and his capacity was well suited to such times and the associates with whom he acted.

But whatever were the errours of the political life of lord Holland, no man most assuredly ever discharged the duties of a father with superior, probably none with equal, tenderness and affection. A warmth and enthusiasm that it would be difficult to describe, entered into his attachment for his children, and animated all his views respecting them. No intrigues of state, nor any business of office, were ever permitted to divert his attention from the important task he had fondly imposed on himself of superintending their education. Charles James, the illustrious subject of these memoirs, was his favourite from his infancy. His father early perceived in him strong indications of a powerful and commanding genius, and anticipating the future value of his mind, neglected no means to improve and ripen his opening talents.

It was a maxim which lord Holland invariably pursued, to assist and follow, but in no case whatever to circumscribe or restrain, the perfect exercise of their free-will in his children. The various eccentricities of his infancy and youth, which early stamped with the bold features of originality the character whose improvement he had most at heart, were uniformly treated by him with unbounded indulgence. The utmost latitude

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of his pleasures, and even of his projects and his whims, never, perhaps, in a single instance, occasioned an exertion of paternal authority. His lordship, it has been said, could advise, importune, and even condescend to stipulate, but never ventured to command his favourite son.

From his earliest youth, the infant statesman was encouraged to deliver his sentiments with freedom on all subjects, and without restraint in all companies. His first indications of thought and ingenuity were sedulously cherished, and whatever could interest his heart, charm his imagination, or improve his understanding, happily selected, and occasionally thrown in his way for that purpose. This naturally produced a habit of thinking with freedom, and speaking with readiness, at all times and in all places, and probably contributed not a little to that facility of comprehension, and quickness at reply, for which Mr. Fox was afterwards so pre-eminently distinguished in the house of commons.

The public is already in possession of many anecdotes of the early life of Mr. Fox, for of no public character has more been written, nor was any man ever more warmly praised by his friends, or more bitterly censured by his enemies. To transcribe all the anecdotes that we have seen of Mr. Fox's early life, would rather impose on the patience, than gratify the curiosity, of our readers. Many of the anecdotes to which we refer it would be impertinent to repeat; some are trifles that do not deserve to be remembered; and others seem to have little foundation in probability or truth. The authenticity of the following we believe to be indisputed, and, though they have long been familiar to the world, it would be somewhat like a breach of trust to omit them in a page like this.

The

The father of Mr. Fox having resolved to take down the wall at the bottom of the lawn before Holland house, and to have iron pallisades put up in its stead, that the passengers on the road might enjoy a better view of that fine antique building *, it was necessary to make use of gunpowder to facilitate the work. Mr. Fox had promised his son Charles that he should be present whenever the explosion took place. Finding that the workmen had completed its fall without giving him notice, he ordered the wall to be rebuilt, and when it was thoroughly cemented had it blown up again for the gratification of his favourite. At the same time he recommended it strongly to those about him, never, upon any account, to be guilty of a breach of promise to children, justly observing, that by so doing they instilled into them an indifference with regard to the observance of their own promises when they arrived at years of maturity.

One night lord Holland, when secretary of state, in the midst of the war, having a number of important expresses to despatch, took them home from his office, in order to examine their contents more attentively before he sent them away. Charles, then about eight years old, came into the study, to which he had free access, and taking up one of the packets, which his father had examined and set apart for sealing, he perused it with much seeming attention for some time, then expressed his disapprobation of the contents, and threw it into the fire. The secretary, far from being ruffled by this incident, or attempting to reprimand his son, turned immediately to look for the office copy, and with the utmost composure and good humour made out another.

* Holland house, Kensington, formerly belonged to the earls of Warwick; it was built by cardinal Wolsey; and was the residence in which the immortal Addison drew his last breath.

The

The invincible passion for gaming, which accompanied Mr. Fox for so many years of his life, and was a source of such infinite vexation to himself, and concern to his friends, as well as a perpetual subject of sarcastic animadversion for his political opponents, is generally supposed to have had its rise in the following circumstance.—At the age of fourteen, Mr. Fox accompanied his father to Spa, at that time a place of fashionable resort of the most distinguished characters from all parts of Europe. Here it is said that lord Holland excited in his youthful mind a passion for play, by allowing him five guineas a night to be spent in games of hazard.

Preferring a public education to private tuition, as more suitable to his future destination, lord Holland sent his son first to Westminster school, and afterwards to Eton. The celebrity which distinguished his progress in the acquisition of classical learning, at Eton college, where he is said to have mastered every task and science by a kind of intuition, procured him an immediate and decided superiority in every class that he joined. Dr. Bernard, then provost of the college, had never occasion to censure, but often recommended him to the imitation of his fellow students, and particularly pointed out his manner of performing his usual exercises as singularly original and exemplary. His private tutor, while a member of this celebrated institution, was Dr. Newcomb, afterwards bishop of Waterford, and archbishop of Armagh, the metropolitan see of the Irish church, who, while he was frequently vexed at the dissipation of his pupil, had occasion, at the same time, to be highly gratified at his uncommon proficiency in every branch of learning. The ardour of his genius, and the quickness of his mind, always made him rise superiour to those obstacles, which pleasure threw in his way. It was observed of him, even then, that he was never satisfied with mediocrity in the execution of any thing he

he undertook: his levities were as bold and extravagant, as his scholastic attainments were masterly and unrivalled.

At this period too, he was remarkable for the soft and compassionate qualities of his heart, and early and feelingly demonstrated his supreme attachment to all the tender sensibilities of humanity, by uniformly espousing the cause of the weak and friendless, in all the little various contentions and disputes that occasionally interrupted the harmony of the youthful community in which he moved. He is said to have instituted with equal address and good nature, a sort of municipal jurisdiction, where the aggressors were regularly arranged and tried; where rules, or laws of conduct, were established and maintained; and where his maiden eloquence was frequently and happily exerted in the behalf of justice, mercy, and benevolence. Such brilliant ebullitions of genius, and so amiable a developement of character, did not fail to impress the contemporaries of his youth and the companions of his studies with the most favourable conceptions of his abilities, and a strong conviction of his future eminence. The present earl of Carlisle, so justly celebrated for his classical taste and poetical abilities, who was Mr. Fox's fellow student at Eton, early felt and acknowledged the superiority of his friend, and, in the following elegant copy of verses addressed to him, which reflect the highest credit on his penetration, foretold the honours of his maturer years:

> How will my Fox, alone, by strength of parts,
> Shake the loud senate, animate the hearts
> Of fearful statesmen! while around you stand
> Both peers and commons listening your command;

While

While Tully's sense its weight to you affords,
His nervous sweetness shall adorn your words.
What praise to Pitt, to Townshend e'er was due,
In future times, my Fox, shall wait on you.

From Eton Mr. Fox went to Oxford, where he was equally distinguished for the brilliancy of his parts, the extent of his attainments, the vivacity of his conversation, and the dissipation of his manners. Constitutionally attached to every species of pleasure, and in possession of unlimited means of gratifying his inclinations, he entered deeply into all the excesses of youth. But his love of pleasure occasioned no interruption in the progress of his studies. While at Oxford, he is said to have read nine or ten hours every day, for the whole term; devoting his nights with equal assiduity to pursuits "more honoured in the breach than in the observance of." His vacations were usually spent in town, and devoted, with his usual spirit and avidity, to every superfluity and excess; but he could always disengage himself at will, and, with a mind superior to the charms of luxury, or the fascinations of pleasure, returned regularly to college, and resumed his studies with unremitting eagerness and severity.

Mr. Fox's literary attainments would have done honour to the most indefatigable scholar. His classical acquirements were extensive and profound, not merely those of a pedant, but of a man of exquisite taste and feeling. "Who," says a polite and elegant anonymous writer, who wrote of him before he had reached the zenith of his fame, "has not been surprised at the pertinence and force of his fine and numerous quotations from the most difficult and illustrious authors of antiquity; his striking allusions to their picturesque descriptions and romantic imagery; his

 various

various references to their popular opinions and usages; his profound acquaintance with the most remote and intricate periods of their history; and his minute attention to every specific modification of their civil and political institutions?"—Mr. Fox was extremely partial to the study of the Greek writers: Longinus and Homer were his favourite authors. With the latter he was particularly conversant, and retained through life a perfect knowledge of the Greek tongue. He had studied the father of heroic poetry not only as a man of refined taste and a philosophical critic, but he had examined, with the eye of a grammarian, the beauties and defects of his style and versification. The following anecdote may serve to shew how familiarly he was acquainted with the works of the Ionian bard. "A clergyman, eminent for his knowledge of the Greek language, was one day endeavouring to prove, that a verse in the Iliad was not genuine, because it contained measures not used by Homer. Mr. Fox instantly recited twenty other verses of the same measure, to shew that deviation from the usual feet was no evidence of interpolation. He was indeed capable of conversing with a Longinus, on the beauty, sublimity, and pathos of Homer; with an Aristotle on his delineations of man; and with a pedagogue on his dactyls, his spondees, and his anapaests. Such was the universality of his genius, that he could meet men of the most extensive knowledge, on at least equal terms, in their peculiar departments of science."

After a residence of no long continuance at Oxford, but remarkable for his close application to the opposite and seemingly irreconcileable pursuits of pleasure and learning, Mr. Fox obtained permission from his father to visit the continent. At this period the continent must have presented a highly interesting spectacle to the mind of a philosophical traveller.

traveller. If public prosperity was not at its height, if some things were wanting to complete the happiness of nations and individuals, there was still much in the aspect of public affairs to gratify and console the attentive observer, and the future augured still more favourably for the general interests of humanity. The peace concluded between England and France early in 1763, had speedily been followed by a general pacification, and various circumstances seemed to promise a lasting continuance of the public tranquillity. The disposition of the court of France was decidedly pacific; the enmity so long subsisting between the houses of Austria and Brandenburg was almost worn out, and Maria Theresa and Frederic the Great, now both grown old under a succession of wars which tended only to exhaust their dominions, were mutually anxious to give repose to their subjects. Holland was in a state of decrepitude indeed, but not of absolute abasement; the renown of her former greatness served as a substitute for her present want of power. The Austrian Netherlands were in a flourishing condition; and Germany, through her hundred states, under the prospect of a permanent peace, was rapidly recovering from the multiplied disasters in which she had been involved on account of quarrels foreign to her interests. In the south of Europe, Italy had enjoyed a peace, with very slight interruptions, of between thirty and forty years continuance; but the people, under arbitrary and impolitic forms of government, had not reaped all the benefits they ought to have derived from the auspicious state of their affairs. The extravagance of their governors, the ignorance of their nobility, and the incessant demands of a numerous, indolent, and rapacious priesthood, joined to an universal corruption of manners, prevented them from enjoying the advantages of their situation.—On the whole, however, the kingdoms and states which I have passed over in rapid review, wore the visible appear-

ance of ameliorated times; and the mild aspect of the political sky, in proportion as it promised a continuance of the blessings of tranquillity, dispelled the mists of national jealousies, inclined the continential powers to harmonize cordially together, to forget their former prejudices and antipathies, and to seek by mutual concession and good offices, to conciliate their mutual convenience and interest. It was a period of returning confidence, and the nations of the continent were forward in their several advances to meet the good opinion of each other.

All the old governments of Europe were then in the plenitude of their splendour and authority; and with the different forms of society, and diversity of civil institutions, which had existed for centuries, and every where presented themselves to his view, must have afforded subject of profound reflection to the vigorous and comprehensive mind of Mr. Fox.

Few of the particulars of his tour have transpired; but it is impossible to conceal, that his indulgence in all the follies and excesses, so incident at that period to a British youth of family and fortune, far exceeded all bounds of moderation, and obliged his father to recal him before he had visited Rome. Mr. Fox is said to have obeyed the parental mandate with great reluctance, and not until it was oftener than once repeated. A writer who seems to have been well acquainted with the private character of Mr. Fox says, "We can easily imagine how susceptible his heart must have been to the fascinating charms of French vivacity, and, at the same time, how very natural it was for one of his temper to swallow the intoxicating draughts of Italian luxury. Whether it was the splendour of foreign courts, the festivity of select societies, the power of beauty, the charms of science, or the delirium of the gaming table that arrested him, is uncertain; but it

was

was not until after the most earnest and pressing importunities, both from his father and friends, that he determined on returning to England. The extreme prodigality and extravagance imputed to him, and the vast debts which he is said to have contracted in almost every capital on the continent, are among the innumerable desiderata in his story, to which no facts, yet offered to public investigation have afforded any thing like a satisfactory solution. And, since no panegyric would be decent or sufferable, as little censure ought to be expected or admitted, without the most circumstantial and positive evidence."

At this period, singular as it may appear to those who have not seen the anecdote, and only recollect the plain and simple dress which distinguished Mr. Fox during the latter years of his life, he was a beau in the most extravagant acceptation of the term, and aspired to the praise of leading the fashions in the article of dress. In point of *red heels, Paris cut velvet,* and other fopperies of a similar description, he vied with the most egregious coxcombs of the age. These and similar qualifications he displayed at most of the courts of Europe which he visited in the course of his tour; and it was said of him, " that if he did not return like his maternal ancestor, Charles II, with all the vices of the continent; he at least brought back a wardrobe replete with all its fashions."

The same circumstances which had determined lord Holland to recal his son from the continent, now determined him to place him in the house of commons. Lord Holland, who had studied the world and human nature with much attention and success, was no stranger to the real character of his son, or the lively and impetuous nature of his passions. A seat in the house of commons, he wisely foresaw, would open new projects of ambition to

to his aspiring inclinations, unite him to a variety of new connections, accustom his mind to the detail of business, draw forth into exercise the extraordinary faculties which he knew him to possess, and probably detach from those ruinous pursuits, so unworthy of his talents, to which, with the excusable eagerness of youth, he was too warmly addicted. Nor was it unreasonable to suppose, from the uncommon ripeness of his understanding, the force of his genius, and the taste and sensibility of his nature, that political pursuits would henceforth so entirely engross his talents, and be found so congenial to his disposition and feelings, as to leave him neither inclination nor leisure to associate with companions less respectable, or bestow any share of his attention on pursuits less noble.

With these views lord Holland procured a seat for his son, for the borough of Midhurst, in Sussex, at the general election in 1768. Mr. Fox was then only in the nineteenth year of his age, and consequently by law, ineligible; but, no notice being taken of this circumstance, either through a wilful or accidental oversight in the committee of privileges, and in the speaker of the house of commons, he took and retained his seat without interruption.

Little more is known now of his early parliamentary speeches, than that he espoused the cause of that party which his better judgment led him afterwards to condemn, and was the strenuous oppugner of those rights, which he afterwards became the most eloquent and impassioned vindicator and advocate of. Mr. Fox's first speech was upon the petition of Mr. Wilkes, from the King's Bench prison, praying "that he might be allowed to satisfy the solicitude of his constituents by attending his duty in parliament." The petition was opposed by administration, whose conduct upon

upon this occasion was defended by Mr. Fox with much energy and animation. His debût was regarded as extremely promising. His mode of speaking was perfectly original, and unattended with any of the hesitation or embarrassment of youth. He entered into the argument with a spirit and decision, a solidity and penetration, which fully ascertained his competency to speak on the subject, and would have done honour to the most practised and experienced senator.

Not only was no notice taken of his incapacity to sit in the house on account of his nonage, but he gained very perceptibly on his auditors by every speech he made, and soon became a favourite with both sides of the house. There was a propriety and vigour, says an author to whom we have more than once already had occasion to offer our acknowledgements, a manliness and majesty in what he said, which it was impossible for impudence to confront, or sophistry to withstand. His wit, his irony and invectives, were not more poignant and forcible than his candour was striking, his reasoning perspicuous, his application fair, and his manner liberal and unaffected. He never rose, as most juvenile orators do, in the midst of a warm dabate, merely to expose their own vanity, and insult the patience of the house. He never repeated his lesson like a schoolboy, or exhibited a deplorable imitation of any eminent speaker, or obtruded a dull farago of common-place remark on his honourable auditors, while their sensibility was roused by the importance of the question, or the eloquence it occasioned. He never exhausted one half of his speech in apologizing for the other, or lost the attention of the house by bestowing his own on any thing that did not deserve it. In such a popular assembly, where so many able speakers are always on the watch to stand up, it requires no little prudence for a young orator to fix on the precise time when his observations

observations will have the best effect. Mr. Fox always spoke as genius and occasion prompted; but never seemed desirous of preventing any member's taking the precedence, nor once fatigued, disgusted, or hung on the ears of, his auditors. His orations, for the most part, were the spontaneous effusions of his own noble mind, delivered without any affectation of superior attention to the subject, without the least mixture of pride or supercilious dogmatism, or any apparent consciousness of those unrivalled merits, which even his antagonists must have allowed him to possess. As a proof of the estimation and reverence in which his powers were held, it has been observed, that he never offered himself to the speaker's eye when he was not equally acceptable to the whole house, nor opened his mouth but the most profound silence ensued.

It has already been mentioned that Mr. Fox entered parliament as a zealous supporter of the measures of the court; nor must it be concealed, that he defended all the odious, unpopular, and unconstitutional proceedings respecting Mr. Wilkes and the Middlesex election, which at this period occupied so large a share of the public attention. Some years afterwards (in 1780), when his political opinions had received a more enlightened bias, he was accused by Mr. Dundas, then lord advocate of Scotland, with having abandoned the sentiments he had held respecting the Middlesex election, and he was charged with having formerly maintained, *that the people had no legal or constitutional voice but in the house of commons.* Mr. Fox's reply was an admirable apology for the early errours of his political life. He denied having ever made use of the expression imputed to him by the lord advocate, who, as he was not then a member of the house, could speak from report alone, and was excusable only because he did not know whether he was right or wrong. No man then in the house could have

have so wantonly misrepresented his words. In the second or third speech he had ever made in his life, and while he was only one-and-twenty years of age, expressions loose and undefined might undoubtedly escape him; but was it candid, or just, or manly, to examine such expressions with rigour? Was he the only one likely to be injured by a precedent so contrary to the usuage of parliament? Was an assembly of British senators the only society of gentlemen in which no allowance was to be made for the inadvertence of youth, or the warmth of debate? Were a man's settled habits of thinking to be known only from a single sentence, uttered at a time when his judgment could not be very mature, and at least long enough ago to render the recollection of it extremely imperfect and precarious? Not that he had any objection to submit every assertion he had ever made to an impartial scrutiny. He only wished his language might be accurately stated, and that gentlemen not then in parliament would not condemn him on the vague accounts of newspapers or other faulty sources of information. He appealed to every one who had heard him on that occasion, whether, in the opinion he gave concerning the Middlesex election, he did not build the whole of his argument upon the power of the people. Every topic he had urged was founded in this great constitutional principle, which he then maintained, as he had always done, in direct opposition to the influence both of the crown and the other branch of the legislature. He certainly said, *the voice of the people was to be collected, in that house;* but not as the erroneous report of the day had added, that *it could not be collected in petitions.* Such an expression as this could not fall from him; it would have been as inapplicable as unjust. There was not then any petition before the house, nor any matter in agitation which could lead to such a discussion, or occasion a reference to such a subject. It had ever been his opinion, that *the voice of the*

people was always to be heard within those walls, except when a majority of their representatives acted in the most notorious and palpable contradiction *to the voice of the people* in their original capacity. In all ordinary cases, it was certainly the most practicable and expeditious mode of declaring their meaning; but, when the representative body did not speak the genuine sense of their constituents, the people themselves had a constitutional right of announcing it in whatever form they deemed most eligible and efficient. This had ever been, and would still be, his opinion.

The parliamentary abilities which Mr. Fox displayed, at the very outset of his career, recommended him so strongly to the attention of ministers, that early in February 1772, he was made one of the lords of the admiralty, and lord North, the then premier, who beheld his talents with astonishment, and regarded his personal virtues with the warmest attachment, treated him with unreserved confidence and friendship. The minister was of a character singularly calculated to attract the regards of a young man like Mr. Fox. His abilities, though not of the first rank, were far above mediocrity; his knowledge of business was extensive, and his integrity unimpeached. All the social virtues entered largely into his nature; his manners were conciliating and attractive; his temper was mild, equable, and pleasant; and his wit ready and felicitous*.

* The author of "Circumstantial Details of the long Illness and last Moments of Mr. Fox," speaking of his connection with lord North, says, "It always appeared to me that Mr. Fox had a very lively regard for lord North, as he never mentioned him but in a strain of eulogy. He said, that he was the most accomplished wit he had ever known; and in domestic life, in the circle of his friends and followers, when collected at his table, had all the candour, without the grossness, of Walpole. He appeared as if he never felt an

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It is probable, however, that Mr. Fox was more attached to the man than to the minister; and it has been said, that his manly and upright mind, at an early period of their connection, disapproved of many measures, to which all the persuasion and influence of his noble friend and tutor could not fully and uniformly reconcile him. On account of some difference of opinion, which it would now be a fruitless task to endeavour to illucidate, Mr. Fox retired from the admiralty board soon after his appointment; but the minister, unwilling to lose his support, prevailed on him to resume his situation; and, eager to preserve and cherish his attachment, pronounced a warm eulogium on his political abilities, as adding not only strength, but doing honour, to the ministerial arrangement. As a proof of the sincerity of this declaration, Mr. Fox was removed from the admiralty to the treasury in the month of December the same year, on the first vacancy which occurred at that board.

The appointment of Mr. Fox to a seat at the board where lord North presided, seemed to promise a permanent connection between him and the minister; and, as it was the nature of Mr. Fox, as it is of every liberal mind endowed with the genuine principles and feelings of probity and honour, to be warm and resolute in all his attachments and aversions, his support of administration, while he approved their measures, was spirited and decided. When his arguments were objected to, under the idea that holding an appointment from the crown, he could not be supposed to follow the unbiassed dictates of his own judgment, he frankly

insult, so immediately did he forgive it. His face was very plain, and his features coarse, but his smile was heavenly. You could not see him without becoming attached to him. He left all his cares and arts in the house of commons, and was no longer a minister than whilst on the treasury bench."

 acknowledged

acknowledged his obligations to government in assigning him the place he possessed, but steadily denied his acceptance of it as the purchase of his services. He hoped no man would suspect, that, because he received a share of the public money, it was his duty to controvert those measures in parliament to which he had already assented in private, or that his independence was in the smallest degree affected by a staunch vindication of what he solemnly avowed were his genuine convictions.

By this mode of reasoning, he silenced, in some measure, the clamours and imputations of his opponents, and established his reputation in the house for manliness and firmness of character. One of his earliest opponents, and whom he had the spirit and discernment to single out as an adversary with whom a contest, however abortive in the issue, could not be disgraceful, was Mr. Burke, then in the meridian of his powers, and the avowed leader, in the house of commons, of that numerous and patriotic body of whigs, distinguished by the name of the Rockingham party. But nothing of the animosity or virulence of political controversy entered, at this period, into the contentions of these great men. Mr. Fox was always ready to treat the merits of Mr. Burke with that eminent and respectful distinction to which he thought them entitled; and that illustrious orator, in his turn, as constantly treated Mr. Fox, as one for whose rising talents he had the highest regard, and with whom he might yet act on a more generous and intimate footing.

But while Mr. Fox supported the general measures of lord North's administration, he by no means resigned his right of judging for himself on questions unconnected with the acts of government; accordingly, when sir William Meredith presented a petition to the house of commons, signed

signed by some hundreds of the clergy of the established church, praying to be relieved from the obligation of subscribing the thirty nine articles, Mr. Fox supported the petition with all the powers of his eloquence, and divided with the minority in its favour. On a subsequent occasion, during the same session (1772), he supported a motion for the enlargement of the toleration act, which passed the house of commons with a large majority, but was lost in the upper house in consequence of the pertinaceous opposition of the court lords and the bench of bishops.

In these instances Mr. Fox followed the enlightend and liberal dictates of his own mind, fearless of the displeasure of the minister, or the more secret and deadly resentment of the court. The period was fast approaching, when the excellence of his character was to be displayed in its native and genuine lustre, and the rectitude of his heart to rise superior to the trammels of ministerial influence, and the prejudices of early habit and connection.

A variety of causes have been assigned for the rupture which took place between Mr. Fox and the minister, and ended in the dismission of the former from his seat at the board of treasury. It has been supposed and urged with great plausibility, that Mr. Fox, conscious of his vast superiority over all his competitors, was dissatisfied with the subordinate appointment he held, and looked up to a station of consequence and responsibility more worthy of his acknowledged talents. Lord North had flattered his ambition with the hopes of a seat in the cabinet; but, in proportion as his claims to that distinction became better founded, the minister shewed less inclination to gratify his wishes, or realize those high expectations which he had himself raised and encouraged. Lord North probably

probably dreaded the introduction of a coadjutor into the cabinet, whose abilities he viewed with jealousy, and whose independent spirit he could not hope to govern. On the other hand, it has been asserted, that Mr. Fox's disappointment did not originate with the minister, but in the secret power then lodged behind the throne, which guided the reins of government, and was the fruitful source of all those misfortunes which afterwards fell so heavily on the nation. Those who maintain this opinion, argue very rationally, " that had the minister acted entirely from himself, his own discernment must have taught him that no purchase was too high for a character, whom he could neither keep without honour, nor lose without danger. One, at least, of very inferior sagacity, might have easily foreseen, that in proportion as he was serviceable as a friend, he would also be formidable as an enemy. But the interior cabinet, despairing of being able, in every instance, to bend him to their purpose, and not finding him that pliant and passive tool which their dark despotic edicts required, took the rash and abortive resolution of annihilating his consequence, by putting an abrupt and immediate end to his official existence."

For some time previous to the dismissal of Mr. Fox, a considerable degree of coolness prevailed between him and the minister. Some trivial appointment which he solicited was refused, in direct violation of the customary privileges annexed to the place he then occupied; and the minister, by his reserved and distant behaviour, shewed clearly that his confidence was withdrawn. But the ostensible cause of his dismission originated in the following circumstances.—The speaker of the house of commons having been grossly insulted by one of the daily newspapers, concerning an inclosure bill, then pending in parliament, a formal complaint, in his behalf, was laid before the house. The member with whom the

the business originated alledged, that very unwarrantable and indecent liberties had been taken with sir Fletcher Norton, who then filled the chair; that whatever affected him was an indignity to the house; and that the author or authors of such a malicious libel deserved an exemplary punishment. An order of the house was consequently issued against Woodfall, the printer of the Public Advertiser, in which paper the obnoxious article had appeared, who readily attended, and gave up his author. This appeared to be the reverend Mr. Horne, better known since by the name of Tooke, and justly celebrated for his philological attainments and ardent attachment to the cause of freedom, who attended at the bar of the house, and vindicated himself with his characteristic ability and acuteness; but the evidence proving defective, Mr. Horne was discharged, and the displeasure of the house, perhaps with some increase of acrimony, reverted to the printer. Mr. Fox moved that he should be committed to Newgate; but the minister, to avoid a dispute with the city which in a former instance had involved the house in so unpleasant a dilemma, only proposed to commit him to the Gate-house. The consequences of this misunderstanding were, that the ministerial party was divided, and the original motion, for committing the printer to the custody of the serjeant at arms, was carried by a large majority.

This proceeding gave great offence to lord North. It seemed a dereliction, on the part of Mr. Fox, from that implicit and unequivocal obedience, to which the minister undoubtedly thought himself entitled, more especially from the members of his own board. Some trivial explanation took place, which, however, far from producing a reconciliation, only ended in mutual recrimination. An open rupture between the parties was now inevitable, and, in a few days, Mr. Fox was made acquainted with his

his disgrace at court, by the following laconic billet; which, with marked rudeness, it is said, was delivered to him, while seated in his place on the treasury bench, by one of the door-keepers of the house of commons:

"*His majesty has thought proper to order a new commission of the treasury to be made out, in which I do not perceive your name.*

"*To the Hon. C. J. Fox.*" "*NORTH.*"

This abrupt and offensive dismissal took place early in 1774; but whatever feelings of private indignation it might have excited, in Mr. Fox's mind, it produced no very immediate or palpable alteration in his parliamentary conduct. He continued to vote with administration for some time, though he seldom spoke in their favour; nor was it until the unhandsome manner of his removal had become a matter of public notoriety that he seceded from the treasury bench, and placed himself on the opposite side of the house. His motive for this forbearance may, perhaps, be traced to an amiable and pious unwillingness to disturb the declining days of his father by an open and avowed dissent from those principles of public conduct to which lord Holland had steadily adhered through life, and which he had anxiously laboured to cultivate in his son, as the readiest and surest course to power, emolument, and honours. Some respect was undoubtedly due from Mr. Fox to the opinions and partialities of a parent, who had treated him with such unbounded indulgence and affection, and to whom he was attached by so many endearing and irresistible obligations. Could he, in whose heart all the charities of human nature were closely interwoven, and whose disposition, to the last moments of his life, retained all the gentleness, benignity, and kindness, of infantine feeling, without any mixture of the moroseness of philosophy, or the arrogance of superior attainments,

attainments, be censured that he halted between the stern dictates of public duty and the tenderer, but not less powerful, claims of filial gratitude?

The demise of lord Holland, which happened in the summer of 1774, released Mr. Fox from the embarrassment here alluded to, and left him at full liberty to pursue the enlightened conclusions of his own judgment. Accordingly he withdrew himself from the mercenary herd of ministerial adherents, and threw all the weight of his great talents into the scale of opposition. A brief sketch of the state of parties, at this period, and of the views and politics of the court, will best serve to elucidate the principles which, from this time, appear to have governed Mr. Fox's public conduct.

No prince ever succeeded to the British throne under happier auspices than George III; but, to speak with the freedom of history, none ever so completely disappointed the vernal promise of his reign. Born and educated in England, an advantage which neither of his predecessors possessed, the king, in his first address to the great council of the nation, gloried in the name of Briton; and assured his loving subjects, that their civil and religious liberties were equally dear to him with the most valuable prerogatives of his crown. The war in which he found the nation involved at his accession, was prosecuted with success, and terminated in an advantageous treaty of peace. The condition of affairs at home was highly flourishing; and the commencement of the new reign was rendered popular, at a cheap expense, by an act of parliament which made the judges independent of the crown.

But, in a short time, the nation perceived, with infinite chagrin, that a system of policy was adopted by the court, totally different from the enlightened and liberal principles which had recommended the house of Brunswick to the choice of the people. The popular ministers, with the great Pitt at their head, were dismissed, to make way for the advancement of the earl of Bute, a nobleman of a contracted capacity and arbitrary views, who was supposed to possess an unlimited influence over the mind of the king. This pernicious influence continued to sway the royal breast long after the minister had ostensibly retired from public affairs, and in it originated all those evil and disastrous measures, which finally covered the nation with irretrievable calamity and disgrace. An eloquent and distinguished writer *, whose means of information were abundant, and whose sentiments were adopted by some of the ablest and most independent characters of the country, speaking of the system of the court about the period to which we allude, says, " To secure to the court the unlimited and uncontrouled use of its own vast influence, under the sole influence of its own private favour, has, for some years past, been the great object of policy. For the future, court and administration were to be considered as things totally different. By this operation, two systems of administration were to be formed; one which should be in the real secret and confidence, the other merely ostensible, to perform the official and executory offices of the state. This *court faction* proceeded gradually, but not slowly, to destroy every thing of strength which did not derive its principal nourishment from the immediate pleasure of the court. *Mettre le roi hors de page* became a sort of watch-word; as a foundation of their scheme, the cabal have established a sort of *rota* in the court. All sorts of parties by this

* Mr. Burke, " Thoughts on the Causes of the Present Discontents."

means

means have been brought into administration, from whence few have had the good fortune to escape without disgrace. In the beginning of each arrangement *, no professions of confidence and support are wanting to induce the leading men to engage. But while the ministers of the day appear in all the pomp and pride of power, while they have all their canvas spread out to the wind, and every sail filled with the fair and prosperous gale of royal favour, they find, *they know not how*, a current which sets directly against them, which prevents all progress, which even drives them backwards. That the *cabal* may be enabled to compass all the ends of its institution, its members are scarcely ever to aim at the high and responsible offices of the state. They are distributed with art and judgment through all the secondary, but efficient, departments of office, and through the households of all the branches of the royal family. If an attack be made upon one of this corps, immediately he flies to sanctuary, and pretends *to the most inviolable of all promises.* Conscious of their independence, they bear themselves with a lofty air to the exterior ministers. Like Janissaries, they derive a kind of freedom from the very condition of their servitude. They may act just as they please, provided they are true to the ruling principle of their institution. The name by which they chose to distinguish themselves, is that of the *king's friends.* The whole system, comprising the exteriour and interiour administrations, is commonly called, in the technical language of the court, *double cabinet*—in French or English, as you choose to pronounce it."

* During the first six years of his majesty's reign, the high offices of the crown were occupied by five succeeding sets of ministers: it may likewise be observed, that the Rockingham administration, which possessed the soundest claims on the confidence and affection of the people, was the one whose duration was the shortest.

With such a system, impure at the fountain head, and saturated with corruptions and abuses through all its various conduits, a man of Mr. Fox's temper was naturally at enmity; honest and sincere himself, he despised ambiguity and disguise in others; and was, of all the statesmen that existed in his time, the least calculated to shine in a divan where

Ladies interpose and slaves debate.

It has already been stated, that Mr. Fox supported all the ministerial proceedings on the Middlesex election; proceedings the more dangerous and odious, as they were well known to have originated in a personage whose breast should have been inaccessible to individual resentment:—that he lent his general aid to administration from his introduction into parliament in 1768, until some time after his dismission from office in February 1774. It is worthy of remark, however, that, during this period, the claim of the British legislature to tax America, which afterwards produced such heavy calamities, and was the source of so much unavailing regret, was never once formally and exclusively discussed in parliament, so that, whatever were the faults of Mr. Fox's early political opinions, he had no share in, and afforded no countenance to, those fatal and preposterous measures which ended so unhappily in the dismemberment of the empire. The stamp act, which first excited the discontents of the colonies, was enacted in 1764; and the honour or demerit of that measure rested solely with Mr. George Grenville, a minister whose littleness of mind Dr. Johnson has sarcastically pourtrayed by observing, "that he possessed talents not universally afforded to mankind; for had he gotten the Manilla ransom, he could have counted it." This project of taxing America, and drawing a revenue from thence in aid of the British exchequer, was received with so much

much just indignation by the colonists, that after some fruitless attempts to carry it into execution, the obnoxious act was repealed by the Rockingham administration in 1766, not, however, without the violent opposition of the *king's friends*, to gratify whom *a declaratory act* was passed, and received the royal assent at the same time, asserting the power and right of Great Britain to bind the colonies in all cases whatsoever.

This assertion of a mere abstract right produced at first little disaffection in America, and would probably soon have been forgotten, had it remained, as prudence would have directed, a dead letter in the statute book; but scarcely were the discontents in America allayed by the repeal of the stamp act, when a new project was brought forward to draw a revenue from the colonies *without giving them offence*. A bill was passed in 1767, imposing certain duties on glass, tea, paper, and painters' colours, imported from Great Britain into the colonies, by which the right of internal taxation was allowed to be virtually relinquished, while the claim of external taxation was affirmed still to remain in full force. When intelligence of this new plan of taxation reached America, mercantile combinations were immediately formed, not to import any of those articles on which the new duties were laid; the Americans compared these duties, which were trivial in themselves, to an entering wedge, designed to make way for others which would be greater and heavier; and so strenuous was the opposition to them, that one of the first acts of lord North's administration, in 1770, was the repeal of those duties, excepting the duty on tea, which was intentionally omitted, on the avowed principle of asserting the supremacy of Great Britain. The minister was strongly urged by some of the best informed and most intelligent members of the house of commons, to adopt the genuine principles of conciliation, and not to prolong the

the contention when he relinquished the revenue; but he replied, in a style too much approved of at court, the insolence or futility of which we know not whether most to condemn, "that a total repeal could not be thought of till America was prostrate at our feet*."

Language

* The great king of Prussia has left on record, in very explicit and remarkable terms, his sentiments respecting the infatuated conduct and policy of the British court in relation to America. "England," says this enlightened sovereign, "at this period had involved herself in a war with her colonies, *undertaken in the spirit of despotism, and conducted in that of folly.* It was the Scotchman Bute who still governed the king, and directed the councils of the kingdom. Like one of those malignant spirits who are perpetually talked of, and never seen—he enveloped himself in profound darkness, whilst, by means of his secret instruments and emissaries, he moved the whole political machine at his pleasure. His system was that of the ancient Tories, who maintained the unlimited power of the crown to be necessary to the public welfare. Haughty and harsh in his deportment, little solicitous as to the selection of the means which he employed in the accomplishment of his purposes, his obstinacy could only be exceeded by his indiscretion. A civil list of one million scarcely sufficed to gratify the venality of parliament. The English nation, degraded by its sovereign (*degradée par son souverain même*), appeared to have no will separate from that of the court. But, as if this was not enough, lord Bute engaged the king to attempt an arbitrary taxation of the American colonies, at once to augment his revenues, and to establish a precedent which might, at a future time, be imitated in Great Britain. The Americans, whom the court had not deigned to corrupt, opposed themselves openly to these imposts, so contrary to their charters, their customs, and to the liberties which they had enjoyed uninterruptedly from their first establishment. A wise government would have hastened to appease these growing troubles, but the British ministers acted upon other principles. The rigour and violence of their proceedings completed the alienation of the Americans. A congress was convened at Philadelphia, in which it was determined to shake off the English yoke; and from this time we see Great Britain engaged in a ruinous war with her own colonies. France, the perpetual rival of England,

saw

Language like this coming from the confidential advisers of the crown, and supported by the whole phalanx of the court party, necessarily produced much irritation and discontent in America; and the rising animosities between the two countries were farther increased by the impolitic proceedings of the American governors, who, indebted for their offices and emoluments to the favour of the crown, entered zealously into all the despotic schemes of the ministry, and in many cases were the original movers, and, in all, the active abettors, of severe and coercive measures. It never appears to have entered into the minds of these miserable politicians,

see with pleasure these civil commotions, and secretly encouraged the Americans to defend their rights against the despotism which George III was desirous to establish, by holding out to them a prospect of future succours."—*Œuvres de Frederic III, tome IV.* It may be amusing to contrast the sentiments of the king of Prussia with those of the deputies of the Oneidas and other Indian nations, who thus addressed themselves to congress on the same subject: "Brothers! we have heard of the unhappy differences and great contentions between you and old England. We wonder greatly, and are troubled in our minds. Brothers, possess your minds in peace respecting us Indians. We cannot intermeddle in this dispute between two brothers. The quarrel seems to us unnatural. You are two branches of one blood: we bear an equal affection to both. Should *the great king* apply to us for aid, we shall deny him; if the colonies apply, we shall refuse. *We Indians cannot find a record left in the traditions of our ancestors of a case similar to this.* Brothers, were it an alien that had struck you, we should look into the matter. We hope through the wise government and good pleasure of God, your distresses may soon be removed, and the dark clouds be dispersed. Brothers, as we have declared for peace, we desire you will not apply to our Indian brethren for assistance. Let us Indians be all of one mind, and you white people settle your disputes betwixt yourselves."—it would have been happy for humanity had the Indian nations uniformly adhered to this wise policy; but many of the northern tribes were prevailed on to take up *the hatchet* in behalf of the *great king*, and, before the successes of general Gates put a stop to Burgoyne's expedition, were guilty of every ferocity authorised by their savage mode of warfare.

that

that the Americans were a people warm in their attachment to liberty, the descendants of a race of men eminent for their love of independence, who fled from Europe to enjoy their civil and religious rights unmolested in the wilds of America. The spirit which pervaded America, the great Chatham declared to be the same which formerly opposed loans, benevolences, and ship-money in this country; the same spirit which roused all England to action at the revolution, and which established our liberties on the basis of that great fundamental maxim of the constitution, that no subject of England shall be taxed but by his own consent.—"You may no doubt destroy their cities," said this illustrious senator; "you may cut them off from the superfluities, perhaps the conveniences of life; but, my lords, they will still despise your power, for they have yet remaining their woods and their liberty. What though you march from town to town, from province to province, though you should be able to enforce a temporary and local submission, how shall you be able to enforce the obedience of the country you leave behind you, in your progress of eighteen hundred miles of continent animated with the same spirit of liberty and of resistance!"

Mr. Fox could not have heard such noble sentiments as these on one side, and the insolent, supercilious rodomontade of office on the other, which represented the gallant and free spirited population of America as neither disciplined nor capable of discipline, and so indisposed to encounter danger, that their numbers would only add to the facility of their defeat, without feeling a presage of the melancholy consequences that were likely to ensue, should Great Britain obstinately persist in enforcing her claim to tax the unrepresented colonies. His first opposition to the court measures was on the subject of the Boston port bill, and the disfranchisement

ment of the colony of Massachusetts bay, which came under the consideration of parliament in the spring of 1774, in consequence of the open resistance which the inhabitants of Boston had made to the invidious tea duty. Even at this early stage of this unhappy contest, his enlightened mind foresaw the evils that were likely to result from it; and with prophetic sagacity he predicted, that the measures which administration were pursuing would prove, in the event, more sanguinary than the proscriptions of Sylla, and could terminate only in the slaughter of their fellow subjects and the ruin of their country.

From this period Mr. Fox took an active share in all the debates and proceedings of the American war; ably and eloquently advocating the rights of the oppressed colonists; and exposing with intuitive discernment the blunders and mistakes of administration. The band of illustrious patriots whom he joined in opposing the despotic measures of the court were at first few in number, but strong in talents, integrity and reputation. In the upper house they could boast of the support of the earl of Chatham, who, though sinking under the weight of years and infirmities, exerted himself with all the energy of youth in defence of the sacred principles of liberty and humanity; by the side of this venerable statesman were to be found the marquis of Rockingham, a nobleman adorned with every private and public virtue; lord Camden, a name never to be mentioned but with respect and gratitude; the dukes of Grafton and Portland, lord Shelburne and other peers of independent character and sound political principles. In the house of commons the foremost ranks in the opposition were occupied by Mr. Burke, colonel Barré, and Mr. Dunning, men very different in their powers, but all endowed with exquisite talents: in florid declamation,

or what may be called the picturesque of eloquence Mr. Burke surpassed Mr. Fox, but in close, unsophisticated argument Mr. Fox was greatly his superiour; colonel Barré excelled in repartee, his eloquence was feeling and pathetic, and occasionally aspired to grandeur of sentiment; and Mr. Dunning was a profound and logical reasoner, who thought and argued with an enlargement of mind rarely to be met with in men of his profession; but neither of these orators possessed that comprehensiveness of intellect which distinguished Mr. Fox, and led him to predict almost literally the ruinous consequences which ensued from the pernicious measures he opposed.

The grand principle on which Mr. Fox opposed the American war was its injustice; that the British parliament had no right to levy a tax on the Americans, and that resistance on their part was justifiable. His sentiments on this head were explained in a few words, he said, he trusted the descendents of Englishmen could never be at a loss what part to act, whenever the question was—Whether a people ought to be slaves or free men? On the subject of American independence he alleged, that independence had been tacitly prescribed to the colonies by every measure adopted against them, and was the only mode in which, for their self preservation, we had left them any option. He urged the excessive rigour of the several restrictive statutes that had passed against them, and the various means pursued to reduce and subjugate them; and defended their conduct by our own example against James the second. When that unfortunate and ill advised monarch meanly abandoned the kingdom, the English came to an immediate decision that the throne was abdicated, and chose another king. "Our oppressions," said he, "have dissolved every tie of civil society in America, and thrown the whole continent into anarchy

anarchy and uproar. They consequently declare the government to be abdicated, and reclaim the privilege of appointing another."

One of the leading artifices by which the American war was carried on, was, that it originated with parliament; and parliament, for that reason, was bound in honour to bring it to an issue; this argument was strongly urged by the ministerial adherents and the king's friends, and like all arguments more addressed to the pride and passion of a popular assembly than its understanding, met with far too favourable a reception in parliament. But there were not wanting some moderate and intelligent men, who thought that the question of the expediency or policy of carrying on the war with America might be determined by the experience of a campaign or two: either that the raw levies in America would be found incapable of facing the king's veteran soldiers; or, if they could not carry their measures at the point of the bayonet, that his majesty's ministers would wisely and prudently retrace their steps, and seek to recover the friendship of the colonies by acts of grace and conciliation. The moment it became evident that the plan of extracting a revenue from America by force was impracticable, Mr. Fox addressed himself to this class of politicians, and, on their own principles, claimed their support to put an end to the calamities of war. Subsequent facts proved his reasoning to be unanswerable.

"The antipathies and resentments," said he, "which our hostilities and oppression have inspired the people in that, against the government of this country, their infinite and inexhaustible resources, the strong probability of their assistance from Europe, and the formidable preparations they have made for resistance, infallibly destroy all hopes of our

ever being able to effect a tax in America. These are circumstances which can scarcely fail to flash conviction on the minds of the most strenuous assertors of the supremacy of parliament. How gross, then, and inexcusable, the absurdity of still prosecuting schemes of subjugation, notwithstanding the completion of such schemes is thus evidently and utterly impracticable,—from the situation of the country, the temper of the inhabitants, and the distance of our armies from the seat of war,"—Guided in his judgement by his persuasion of these facts, Mr. Fox at this period (November 1777) predicted the fate of the northern army under general Burgoyne, and almost literally anticipated the disgraceful failure of the Canadian expedition.

When intelligence of the convention of Saratoga arrived in England, and that a British army, which, at its departure from Canada, consisted of above ten thousand men, had been obliged to lay down their arms and surrender at discretion, Mr. Fox, in a strain of the most poignant satire, animadverting upon the cabinet plans of policy for a series of years past, and the remedial measures adopted by the executive power to heal the disorders of the state, stigmatized the minister as " a political Sangrado. Bleeding was his only prescription for all ills. Should mortal symptoms appear in the body politic in consequence of this regimen, still this state empiric will persist in crying out for more blood, merely because he has staked his reputation on the assertion that this is the only effectual remedy."—

On another occasion, early in 1778, when the house had resolved itself into a committee on the state of the nation, Mr. Fox in a luminous and comprehensive speech entered at great length into a retrospective view

view of the whole conduct of administration respecting America, including as well the measures which led to war, as the manner in which it had been prosecuted. He laid it down as an incontrovertible axiom in politics, that, when a country, within the short space of a few years, exchanges the highest state of prosperity for extreme adversity, the government of it must have been radically erroneous. The unfortunate and dishonourable progress of the American war proved on what a wretched and mistaken policy it was founded. He warned the house of the danger of exhausting our stores and military strength on an object that plainly appeared to be impracticable, and at a time when every circumstance prognosticated the hostile intentions of our neighbours. Upon this ground he moved as a resolution of the committee, "that an address should be presented to his majesty, beseeching his majesty that no part of the national force in these kingdoms, or in the garrisons of Gibraltar or Minorca, should be sent to America." No debate occurred on this motion, but on the question being called for, it was negatived on a division by a majority of 259 to 165, the largest minority that had yet appeared in opposition to the war.

When lord North brought forward his second plan of conciliatory propositions, Mr. Fox gave them his support, but at the same time clearly foretold that they would be rejected by the Americans. He was certain that the colonies would never treat with the ministry, or the creatures of a ministry whom they detested, and that all overtures were now too late, as they had an immediate prospect of opposing our exertions with the whole power of France. "The minister," he said, "had attempted a justification of the most unjustifiable measures which had ever disgraced any government or ruined any country. But his arguments might be collected into one point, his excuses comprised in one apology—in one single word

—IGNORANCE:

—IGNORANCE: a palpable and total ignorance of every part of the subject. He hoped, and he was disappointed—he expected a great deal, and found very little to answer his expectations—he thought America would have submitted to his arms, and they defeated them—he made conciliatory propositions, and he thought they would succeed, but they were rejected—he appointed commissioners to make peace, and he thought they had powers; but he found they could not make peace, and that they had not sufficient powers." Had the present concessions been offered in time, Mr. Fox said, they would undoubtedly have been successful; for, however obscure his former propositions of conciliation might be deemed, necessity, had at length compelled the noble lord to speak plain. But what censure would be found sufficient, he asked, on those ministers who had adjourned parliament in order to make a proposition of conciliation, and then neglected to do it until France had concluded a treaty with the united and independent states of America, and acknowledged them as such? He did not speak from surmise, he said, he had it from authority he could not question, that the treaty he mentioned had been signed at Paris ten days before. The minister being closely pressed on this point, at length reluctantly acknowledged, "that it was but too probable such a treaty was in agitation, though he had no authority to pronounce absolutely that it was concluded." This was animadverted upon as a very extraordinary circumstance, that the intelligence of a private member of that house should be sooner received, and more authentically ascertained, than that of the government. In the upper house, lord Weymouth, secretary of state, "denied all knowledge of such a treaty, or that he had received any authentic information of its being either in existence or contemplation." Nevertheless, within a very few days after this extraordinary declaration, the priority and superiour accuracy of Mr. Fox's information

formation was demonstrated by a royal message, in which the king informed the two houses, " that a rescript had been delivered by the ambassador of his most christian majesty, containing a direct avowal of a treaty of amity, commerce, and alliance, recently concluded with America; in consequence of which offensive communication on the part of the court of France, his majesty had sent orders to his ambassador to withdraw from that court; and, relying on the zealous support of his people, he is prepared to exert all the force and resources of his kingdoms, to repel so unprovoked and unjust an aggression."

At this alarming crisis, the dangers and difficulties of the nation were manifestly increased by the utter incapacity of the king's servants to apply the vast resources entrusted to their management with wisdom. Mr. Fox who had protested successively against all the hostile measures directed against the colonies, now arraigned the conduct of ministers in the prosecution of the war, and traced all the calamities and disgrace that had befallen the nation to their incapacity and folly. All their plans of action, he asserted, were pregnant with irremediable mischief, and their whole system of policy so extremely bare, that the misfortunes which it seemed chiefly calculated to produce were uniformly and distinctly foretold. Predictions, which, for a series of years, were as regularly justified by the event, as announced in the most positive and explicit language. The facts stated were indisputable, and could not have originated but in the grossest mismanagement.

In reply to these allegations, it was industriously propagated by the ministerial adherents, both in and out of parliament, that all our want of success, and every particular disaster resulting from the war, were charge-

able to those in opposition, and that the strength of government had been broken, its measures impeded, and its operations defeated, by the struggles of party. Such a preposterous mode of attacking opposition, as it did not deserve, seldom received, a serious answer. It was generally and justly treated as a contemptible insult on common sense, utterly unworthy of notice, and proceeding only from the incorrigible folly or wilful malignity of the subaltern mercenaries of the court. But on one occasion Mr. Fox condescended to reply to it, and inflicted a severe and merited chastisement on the servile band by whom it was propagated, applying to them a happy parody on a striking passage from Gulliver's Travels.—" I can bear them, " said he, " well enough in some respects, and even make allowance for their ignorance, incapacity, folly, corruption, love of place, emolument, and power. I can even pity them for their wants, their impotence, and their gross stupidity. I feel for their miserable infatuation, not knowing whether to rush headlong on immediate ruin, or retreat with safety. Despicable and unprincipled as they are, I have nevertheless learned to regard their persons with respect. But, when such men, thus involved, and involving others in every possible misfortune and disgrace, urge their claims of merit for what deserves an ax or a halter, and, under a complication of great national calamities, coolly contend that those disasters, which every individual feels, do not exist, or, if they do, that they ought justly and safely to be imputed to opposition. Such a lump of deformity and disease, of folly and wickedness, of ignorance and temerity, thus deeply and incurably smitten with pride and distended by audacity, breaks all measures of patience."

On another occasion, when the lord advocate of Scotland (Mr. Dundas), affirmed with unblushing effrontery, that the cause of all the political embarrassments

embarrassments of the country was to be traced to the inflammatory speeches of the opposition, Mr. Fox readily took up the accusation, and in a matchless strain of indignant eloquence disproved the charge.—Had he, whose inflammatory harangues concurred in bringing parliament and the nation into those distresses which were thus confidently attributed to those who had done every thing in their power to prevent them; had he, whose inflammatory harangues dragged government, step by step, from violence to violence, in that unfeeling inhuman system of blood and massacre, which every honest man must detest, every wise man condemn, and every good man abhor; had he, who dealt in nothing but exaggeration, expressions of asperity and vindictive virulence, in incitements to revenge, and all the horrid monsters which follow in their train; had this man the assurance to impute the guilt of such measures to those who had all along, in each successive stage of its progress, foretold the consequences, prayed, entreated, and supplicated, not so much for America as for the credit of the nation and its ultimate safety and welfare, to arrest the hand of power, inflamed by rage and directed by injustice, plunging into scenes of indiscriminate slaughter, and to pause but a moment, and, after balancing every possible prospect of gain with certain inevitable loss, a loss of national reputation, of national justice, of national humanity, weigh the effects, and then proceed! Has not the patient, who spurns at the prescription of the physician, an equal right to tax him with the inveteracy of a disease which becomes incurable only from his own obstinacy.

During the whole progress of this iniquitous and abominable contest with America, Mr. Fox uniformly exerted his transcendent talents in defence of the genuine maxims of the British constitution, and the

unalienable franchises of the human species. Had his career terminated at the conclusion of the American war, he would still have left behind him a sufficient stock of well-earned fame to have ranked his name on an equality with the most illustrious statesmen of any age or country. It was his nature never to shrink from the free investigation of any question that came under his discussion ; but boldly to trace the most intricate and abstract questions to their original principles. Hence, though no orator entered with more acuteness into the detail and interest of passing events, many of his speeches are distinguished from those of the most able of his contemporaries, in that the opinions he delivered were not only admirably adapted to local exigences and casual circumstances, but applicable to any times or contingencies of human affairs. As an example of this, and many will occur in the course of the following pages, we subjoin his profound and masterly observations on the controuling powers of the legislative bodies, which formed the introductory part of his speech to a motion of censure (March 3, 1779,) on the conduct of the earl of Sandwich, who then, very unworthily, presided at the board of admiralty. They rest on constitutional grounds which no modifications of circumstances can weaken, and, like the essence of truth, the principles on which they are founded are immutable.

" The most prevalent opinion," said Mr. Fox, " is, that, where the whole national strength and resources are vested in a single person, or a few, all the functions of government, especially in time of war, are performed with greater facility and despatch. Secrecy, which is the life of counsel, is then preserved inviolate, and the vigour of exertion only bounded by the abilities of the state. Thus expedition, which constitutes the most advantageous circumstance in almost every enterprize, is secured. The blow

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is often struck, and the necessary precautions taken, before the cause transpires, and the power and wisdom of government acquire popularity and applause from the successful effects of their measures.

" Nothing can be more absurd than to expect the same convenience in popular governments. Here the political machine depends on such a complication of springs, that no single hand can touch it into harmony and effect. The general movements, of this curious system, result from such a variety and combination of subordinate and distinct principles, as must unavoidably render them sure but slow, more regular, perhaps, but less vigorous, and liable to abortion or defeat, either from the knowledge or interference of the public.

" This speculative proposition is incontestible. The advantages, notwithstanding, of an arbitrary, are greatly overbalanced by those of a free government. No society is constituted solely for war. It would be imprudent not to provide against such a contingency, but absurd to make it the exclusive object of every civil institution. In this respect, therefore, free are infinitely preferable to despotic states. The latter seem modelled, only with a few exceptions, to circumstances of hostility, the former are chiefly calculated for times of peace. These more effectually protect men in their persons and properties, encourage and stimulate the exertions of individuals, call forth and occupy talents in the public service that might otherwise be lost in obscurity, assist the enterprizes of trade and commerce, inspire the love of our country, and countenance a spirit of honest independence. No modification of society can be altogether free from inconvenience, but that is certainly the best, on the whole, which puts every man as nearly on a level as possible, by subjecting all equally to

the same laws. This happily combines every member of the society in one common interest, and creates a personal, as well as public, pride, which, when properly directed and judiciously restrained, is the strongest incitement to magnanimity and glory.

" These are some of the advantages and disadvantages which, in theory, are generally annexed to governments, where the whole power is lodged in the hands of one man, and those constituted upon the broad basis of public freedom. On this subject, however, the language of experience is very different from that of speculation. And it will be found, in fact, that the arts of peace have not been uniformly more successfully cultivated in republican states, nor those of war in countries purely arbitrary and despotic. No nations have been more generally successful in war than those in which the whole body of the people had a share in the public councils. And none have oftener failed than such as totally excluded their least interference in the administration of state affairs. The ancient republics of Greece and Rome exemplify this observation in all its latitude. And this country will remain an everlasting monument of the prosperous and almost irresistible exertions of a mixed government. It is obvious at least, from the whole tenor of our history, that even our hostile enterprizes were only successful in proportion as planned and executed in the true spirit of the constitution. Both Holland and Switzerland may also be quoted as a proof that *no form of government is so well calculated for the happiness of its subjects*, for internal prosperity and external strength, *as that in which the sovereignty is delegated from the people, and exercised by the executive power, under their cognizance and controul.*

" In our government, the legislative and executive powers being separate and

and distinct, the crown and its ministers are conditionally vested with as much authority as is necessary for the discharge of the trust committed to their care. They have the prerogative of making peace or war, entering into alliances, incurring expenses, and adopting every measure, which the terms of their trust can be supposed to imply, in the fullest and most ample manner, on this single condition, *that they are answerable to parliament for their conduct.* Nor can they act negligently, corruptly, or traiterously, but at their peril, and at the hazard of their fortunes, lives, and honour. The ministers of despotism are subject to no such controul. And, though subject to the same vices and imperfections as other men, their only object is to square their conduct by his inclination who has the sole power to reward or punish them as he pleases. Having no accounts to settle with the public whom they oppress or betray, if they are able to flatter a weak prince into a favourable opinion of their services, or persuade a wicked one that their incapacity is the effect of zeal for his person, and an implicit obedience to his commands, they are sure, though execrated through the whole nation, to be honoured and caressed at court.

" How far the doctrine of a free government's retaining a dernier controul over the executive power, is applicable to the constitution of this country, demands the particular attention of parliament. It is a matter intimately connected with the present debate. What is this controul, but that inquisitorial power, vested in the house of commons, which no gentleman can deny, and which has been so beneficially and successfully exercised on many former occasions? It fairly amounts to this. We confide in administration for effecting such purposes as can be better accomplished by the few than the many. It is a trust, however, strictly

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and purely conditional. We, who delegate, reserve a right of resuming the power whenever we perceive our expectations frustrated or our confidence abused. And want of ability or integrity, in most cases, equally disqualify the parties entrusted, and subject them to punishment or removal. Parliament may forbear the exercise of this great and necessary prerogative, but we cannot relinquish it. The constitution has interwoven it so essentially with the very existence of this house, that it is the chief circumstances which gives weight and decision to our deliberations and resolves. And the obligations we owe to the public authorize and impel us to exercise it, either by removing or impeaching such as are culpable. Wicked and weak counsellors are proper objects of dismission, in the first instance; and of condign punishment, upon a legal and constitutional investigation, in the second. Parliament stands between the people and executive powers of the crown, and it is only through this great constitutional medium the former can properly seek, or legally obtain, redress for the injuries of the latter."

In the disputes which arose between admiral Keppel and sir Hugh Palliser, relative to the memorable engagement with the French fleet off Ushant on the 27th of July, 1778, Mr. Fox warmly supported the cause of admiral Keppel, to whom he was attached both by public principles and the ties of consanguinity, and he had the satisfaction to find that his conduct was sincerely applauded by the nation at large. His most celebrated speech on this extraordinary business was made some time after the trials of the rival commanders, when ministers, as if anxious to measure their strength with the indignation of the people, and to add insult and contumely to the unspeakable wrongs they had brought on them, appointed sir Hugh Palliser, a man convicted by an honourable and competent

competent tribunal of having preferred an unfounded and malicious accusation against his commanding officer, to the lucrative government of Greenwhich hospital. This shameful prostitution of an honourable appointment, which in all former instances had been conferred as the reward of distinguished services, roused the indignant resentment of Mr. Fox, and gave birth to one of the most masterly orations ever delivered within the walls of the house of commons.

Mr. Fox began his speech with observing, that it was not his custom to apologize much for the several matters of public importance which he deemed it his duty occasionally to lay before the house. With all his confidence in the indulgence of the house, he felt peculiar diffidence in entering on the subject of his motion. Two individuals were deeply concerned in what he had to state, but he solemnly declared that his conduct proceeded from no personal or private motives whatever*.

—" I thank God," said he, " there is not a human being against whom I am conscious of harbouring the least dislike. It is not my inclination or manner to work secret antipathies into public accusation, or to indulge my own resentments under the pretext of prosecuting national advantage. I can assure the honourable gentleman (sir Hugh Palliser), whose name I must inevitably and frequently mention, that against him and his majesty's ministers I entertain no other sentiments of disrespect, than the injuries, which their misconduct has done this country, unavoidably excite.

* The speech which follows may be considered as a true portrait of the suavity of Mr. Fox's temper, and the unwillingness with which he allowed personal feelings to interfere with his public conduct.

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" But I cannot cherish those regards, which are nearest my heart, without sincerely detesting, and treating with invariable indignation, those who, by their factious and mutinous mode of acting, are the notorious instruments of our national ruin and dishonour. Private enmities I disclaim, as abhorrent to my habits and my nature; but public enmities, instigated and confirmed by repeated public delinquencies, by what the community feels from their treachery to whose management her concerns are committed, and by the obstinacy of a few operating to the manifest destruction of all—enmities it is not less my pride to avow than it is my duty to indulge. The evils entailed on our devoted country, hold up the author and authors of them as the objects of universal aversion, in proportion as the virtues of public spirit are not extinct. With the governor of Greenwich hospital I never had any civil intercourse or connection in my life. It was never in his power, probably never in his inclination, to cross or thwart me in any pursuit whatever. But his pernicious interference with the substantial good of the kingdom, affects me as I regard her welfare, and raises my partialities for her interest as I perceive her injured. Has not this man, by harbouring the worst of designs, and indulging the fellest passions, essentially circumscribed those exertions that were most likely to effect our deliverance, and almost ruined that service on which our last hopes depended? The dreadful train of calamities, which naturally falls in the rear of such a breach of public trust, at the same time that we deplore the consequences, awakens our resentment against the cause. On this account, and this alone, I profess and avow myself, the public enemy of the honourable gentleman, the public enemy of the feuds he has sown in his majesty's navy, and the public enemy of all who abet and support him.

" I think

" I think it also my duty, on this occasion, though from very different reasons, to disavow the influence even of private friendship on my public conduct. It has been my endeavour to feel, as I wish only to act, for the public. Not that my heart is so void of a partiality so amiable, so honourable, and so interesting. God knows, I consider my intimacy and connection with this great and amiable, but much-injured character, as one of the most valuable and respectable privileges of my life. But my honourable relation needs not my assistance. His own glorious and immortal conduct has established his reputation. His personal and professional virtues have all been tried, and have stood the test : let those, who have foully attempted his honour and his life, attest this truth. They know what he is, and what he can do, and it is his worth only which galls them. Was he not attacked, betrayed, criminated, and arraigned, on an accusation the most serious and awful ? Did he shrink under the imputation to which he was subjected, or fall a victim to the power and malevolence of his conspirators ? No : he endures the ordeal with honour and fortitude, and derives new lustre from the gloom that surrounded him. Were not the constituents, whom he had served with integrity for several successive parliaments, and who, till then, were always happy in his virtuous and arduous struggles for the public good, insidiously diverted from his support, and, by their preference of another, betrayed into a scandalous desertion of their own interest ? But ministers and their emissaries had not long to brood over the success of their contemptible manœuvres, when the whole county of Surry gave the lie to their short-lived triumph. They saw with indignation the oppression to which his virtues alone had exposed him ; they saw the enormous influence of the crown exerted to suppress an honest and undesigning reputation ; they saw simplicity, independence and merit, contending in an unequal conflict with art and

malignity in possession of place and power! Notwithstanding all the odium, raised and propagated to his prejudice, they revered his singular virtues and stamped them with their choice. Thus oppression, as it always will in a free country, produced its opposite effect. My honourable relation, in being driven from his old friends, in Windsor, through the contemptible influence of court intrigue, is honourably returned, to serve in parliament, by one of the most respectable counties in the kingdom. He therefore stands too high in fame and enjoys too much substantial glory, to require any additional support, or to render my serving him any motive in the present business.

" It is improper, it is dangerous, perhaps it is criminal, in these critical times, when unanimity seems so necessary, so desirable, especially in our fleets and armies, to agitate a matter which has pretty much subsided, and the revival of which must renew old animosities, and create much dissension, and ill blood. These fatal consequences, so pernicious to the state and so advantageous to the foes of Great Britain, I foresee, and lament and deprecate as sincerely as any man can do. *Non movere quieta* is a maxim to which I entirely subscribe. Be therefore all that black catalogue of ills, which must result from the dispute, on their heads whose impertinent temerity would not suffer it to sleep. I wash my hands of every consequence with which it can be charged. Ministers by appointing sir Hugh Palliser governor of Greenwich hospital, have broached the subject, and are answerable for all the inconvenience to which a fresh altercation of it is obnoxious. They have dragged him from that obscurity to which the indignation of his country had driven him, and must atone for all the evils that can ensue.

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" The motion I shall have the honour of submitting to the house, is grounded on this appointment, which strikes me as a gross and wanton insult on the honour of his majesty's navy. What man, who feels as a gentleman, can be happy in the service of his country, or serve with that zeal and spirit from which alone the navy of England has gained its greatest reputation, while a station of high distinction, and hitherto assigned only to those of the most unsullied characters, is thus given to a man convicted of having preferred a malicious and ill-founded accusation against his commanding officer.

" The appointment of sir Hugh Palliser to be governor of Greenwich hospital, considered in all its circumstances, is a measure of so much criminality, so incongruous to the sense of the nation, so glaringly iniquitous and absurd, that I scarcely know how to argue it, or by what mode of reasoning or form of expression to heighten the impression which the bare fact must already have made on the mind of every unbiassed member of parliament. Like an axiom in geometry, it stamps conviction at once, and admits of no additional evidence to corroborate its certainty. The only way left me, to discuss the subject, is, therefore, by supposing objections, and by opposing to those objections such arguments as appear to me conclusive."

Mr. Fox then entered into a long train of argument to prove, that the court martial which tried admiral Keppel was perfectly competent to declare its sentiments on the motives of the prosecutor, and brought forward several precedents to shew, not only that they had an undoubted right to censure sir Hugh Palliser, but that such was the uniform usage of court martials in all similar cases. He vindicated the court martial from

all suspicion of having acted under the influence of improper motives, and passed an elegant eulogium on the character of naval officers in general. "If," said he, "any profession of individuals be better qualified to judge of the nicest points of honour than another, it is undoubtedly the military; and, if ever I am brought to give one profession the preference, as men of sincerity, I shall certainly think the naval branch entitled to that preference. The military, generally residing in great cities and populous towns, imbibe all the manners of the times; and, as a division of the army is always attendant on the court, and makes part of the royal pageantry, they are naturally accustomed to a more courtly and accommodating mode, both of acting and speaking, than other men. But naval officers are, in some degree, secluded from the world; and, by living on the boisterous element, where every sort of attention to order and discipline is essential even to existence, and having no personal intercourse with courts or princes, are remarkable for a roughness of manner, and bluntness of integrity, which prompt them on every occasion, to act without fear and speak without disguise."

After contrasting the characters of admiral Keppel and sir Hugh Palliser, and taking a luminous review of all the proceedings which had emanated from their disagreement, Mr. Fox concluded his speech with an animated appeal to the candour and integrity of the young members of the house. "The motion I have made," said he, "aims only at fixing a censure on an appointment which, in my judgment, materially affects the public service and the public interest. It is necessary to send it down to posterity marked with this public disapprobation, not only to prevent these pernicious consequences, but to preserve the dignity and consistency of parliament, to check the presumption of other malicious minds in similar situations,

situations, and to annex to courage and generosity their natural reward. I plead the cause of injured honour; and appeal to you, from the conviction that the highest sense of honour always glows in youthful bosoms. That manly independence of mind which is the brightest ornament of our rational natures, is generally in its strength at your time of life. You are most likely to act from the genuine dictates of your own hearts, without servilely embracing the opinions of other men. And I now give you an opportunity of signalizing your attachment to the fairest virtues, put in competition with the vilest and blackest passions, of the human heart. The vote of this night must decide the public opinion of your principles and characters. I renew my protestation against being under any species of private influence whatever in my present conduct. I have acted in this, as I wish to do in every other, matter, entirely from the impulse of public duty, and am ready to abide the consequence."

This motion, however, like many other patriotic measures proposed by the same enlightened senator, was lost through the domineering influence of that corrupt and profligate faction, which supported government in all its despotic proceedings, and pertinaceously opposed whatever tended to expose the misconduct of ministers. But notwithstanding the discouraging circumstances under which Mr. Fox and the band of Whigs with whom he acted maintained their opposition, this good resulted from it, that while the minister was supported in the house of commons by large and triumphant majorities, the public was made acquainted with the folly and demerit of their rulers, and their voice, in the end, loudly and firmly expressed, produced the dismissal of an administration the most hostile to their interest, and actuated by maxims and principles the most illiberal, unjust,

unjust, and tyrannical, that it was the misfortune of any nation ever to groan under.

As no man contributed more largely to this event than Mr. Fox, so no member of parliament ever laboured more assiduously to inform his countrymen at large of the extent of their rights and privileges than he did. Ministers were disposed to shelter themselves under the sanctuary of prescription and authority; to avoid the discussion of all abstract questions; and to suffer their conduct to be measured by no other standard than the dry and tedious forms of office and precedent. The same reasons which induced ministers to decline the examination of abstract propositions, disposed Mr. Fox to urge their discussion. He was desirous that the people of England should be informed of the full extent of their rights, of the encroachments that were made on their freedom, and the wrongs of which they were the undesigning instruments against their fellow citizens in America.

He characterized the American war as commencing in an arbitrary and odious spirit of domination on the one hand, and a gallant and resolute determination on the other to withstand every lawless extension of authority. It exhibited, in its uniform progress, he said, a most inveterate and well-supported struggle, between the principles of despotism enforced by an army of disciplined troops, and the rights of humanity defended by a whole continent of freemen, united, animated, and stimulated by the enthusiasm of genuine liberty. Such a war was too wicked to be prosperous. Indelible infamy attended it in every stage, and it was destined, more or less, to become the curse of every individual who could prostitute his

his talents for the accomplishment of a purpose so hatefully repugnant to all the best and dearest interests of humanity.

One of the common grounds on which the adherents of ministers rested their defence was, that the opposition only aimed at the enjoyment of the honours and emoluments of office, and that, if they came into power, they would prove themselves as corrupt as their predecessors. Mr. Fox, for himself and those with whom he acted, disclaimed the imputation. The charge of corruption, he said, is given and retorted. We say you apply the public money, and, what is worse, apply it to bad purposes. You allege we want your places. Let us put the controversy to the same issue on which Solomon determined between the two women, each of whom claimed the living and disowned the dead child. Let us see to whom the charge of corruption belongs. Ministers say they are desirous that it should be sacrificed. We have often made similar professions. The time is now come to prove the sincerity of both. We submit to have this monster annihilated. You cherish it with a tenderness that proves your interest in its growth. We abandon that to its fate about which you still hang with the fondest indulgence. Can any thing more palpably demonstrate its origin and consanguinity than such an extreme solicitude for its safety and preservation?

Towards the close of the year 1779, Mr. Fox was engaged in a personal contention with a member of the house of commons, which, as it occupied a larger share of the public attention at that time than any preceding occurrence of a similar nature had ever done, deserves particularly to be noticed. Mr. Adam, a Scotch gentleman, but representative for an English borough, who had previously acted in concert with the opposition,

opposition, at the opening of the session on the 25th of November 1779, took an opportunity of informing the house of his intention of voting with administration for the future, and, at the same time, solicited their indulgence while he stated the motives of his conduct, and the reasons that had induced him to adopt other opinions. Like all other converts he asserted the purity of his intentions. He disclaimed all connection with party of any description, and protested, in the most peremptory terms, that he had never seen the speech, the address, or the amendment, which were the objects of the day's discussion, till they were read at the table of the house. During the last session, he said, he had been induced to impute our want of success, in the field, to the indecisive measures of ministers; but, on maturer consideration, with the assistance of the lights thrown on the subject by a committee of enquiry instituted by that house, he had been induced to alter his opinion. He had found that ministers were not to blame for all the miscarriages in America, but that the commanders by their unskilful conduct had their full share in them. He contended that to remove all the present ministers would be prejudicial to the state, as some of them were acknowledged to possess abilities adequate to the great task of saving their country. He passed a warm eulogium on the lord chancellor (Thurlow), whose abilities, he said, had been felt and confessed in that house before he was called to the other; and lord Stormount, who had acquired so much reputation during his embassies at the imperial court and that of France.——But the part of his speech which gave most umbrage to opposition was, that he assigned as his chief reason for not being able to concur in their amendment, that he could not single out one who was likely to serve the state more efficaceously than his majesty's then servants. The opposition, he said, had betrayed their intentions by the abject concession they would have made

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to our revolted subjects in America: and he was apprehensive, should they be called into office, that, instead of carrying on the war with vigour, they would terminate it with an inglorious and humiliating peace. He, therefore, was of opinion, that it was better to preserve the existing administration, with all their faults, than to remove them to make room for others, the first exercise of whose authority would probably be shewn in the dismemberment of the empire.

This weak and futile apology, for deserting at a crisis of peculiar interest, those with whom he had hitherto acted, necessarily subjected the deserter to much severe, though not unmerited, reprehension from many of his former associates. Mr. Fox spoke with a frankness and energy on the subject, characteristic of his style of debate in the house, and, as the event shewed, gave deep offence by the severity of his remarks to the gentleman against whom they were pointed. In the commencement of his speech, he expressed his astonishment at the extraordinary style of argumentation that had been adopted by Mr. Adam in defence of his political conversion. His motives, which he had fairly avowed, were curious, he said, and original, of a nature with the change he had made, and which would undoubtedly suit the complexion of his future behaviour. —In his laudable exertions in behalf of his new connections, he had soared to the very summit of parliamentary enigma; and he could never expect to reach a paradox more elevated and incomprehensible than what he had heard, that because ministers had not been the authors of our disgrace in America, no future blunders, inattention, or treacheries, could ever convince him of their incapacity. He had proved them to be once in the right, and therefore they could never be wrong. They were wrong indeed, in his opinion, up to the last session; but their conduct in the summer had

converted his judgment. They are weak, incapable, and inattentive; but they are better than the men who oppose them. They have not a particle of virtue or merit; but they are to be excused, because others are as bad. Weak, wanton, unprovoked, illiberality! If he were in office, and any such man were to apply to him, and say he could not defend him, by calling him wise, capable, and honest, because he knew him to be the reverse, but that he would praise and support him by libelling his opposers, by taking from human nature all the remnant of character that is left, and by saying, as all were bad, they were to be excused—were such a wretch to come to him with such a speech, he would drive him from him with scorn and contempt, as the pest of society, who wished to level humanity, and to disgrace, by confounding, all distinction between virtue and vice, ability and impotence, wisdom and folly, honour and perfidy. He felt the highest veneration for the respectable characters with whom he acted; but, notwithstanding all his esteem for them, he did not believe their capacities and virtues sufficient to give strength to the present system, and rescue the country from the dangers which involved and threatened her. The weight of their names, the effect of their popularity, and the greatness of their minds, were not adequate to that energy and operation which our affairs required. The salvation of the British empire, he protested, was incompatible with the system avowed by her ministers; the system on account of which they were abandoned by a part of their number, (alluding to some recent changes in the cabinet,) and distrusted, contemned, and reprobated, by the people; a system of policy most calamitous in its effects, which had reduced a great and flourishing monarchy to misery, insignificance, and despair; which had rent the empire asunder by domestic discord; and which had rendered our name so contemptible abroad as well as at home, that not a

power

power in Europe would deign to become our ally. It was not the addition of names that could work our deliverance. Nothing short of an absolute change of counsels as well as counsellors could deliver the nation from her present embarrassment. Even lord Chatham, were he now alive, with all his popularity, could not, without the addition of full powers and direction, produce the great end of national salvation. The same unhappy system, which continued to that moment, had been the bane of his majesty's reign. It was not the mere rumour of the streets that the king was his own minister; the fatal truth was evident; and could not now be controverted.—Good God! if any of the house of Stuart yet remained in this country, or any of their adherents, what opportunities have ministers given them, without the exaggerations of fancy, to deliver down to posterity the name of a sovereign, amiable for his virtues, with all the ignominy he could wish to throw upon the subject! He would say, that the house of Stuart was banished from the throne for doing what the present possessor practised with impunity; and, if he should be told by a real friend to the present house, that his were not the vices of his reign, they were the progeny of his ministers, would he not exclaim—"Might not a Stuart have his bad ministers too?"

Mr. Fox then proceeded to draw a parallel between the present reign and that of Henry VI. His family, like that of the king, he observed, did not claim the crown by hereditary descent. Both owed it to revolutions. Both were amiable and pious princes. Both were descended from renowned and illustrious progenitors. Henry VI. was the son of the most magnanimous and warlike prince that this country ever produced: he lost all his father's conquests, and the greater part of his hereditary

possessions in France. His present majesty was the grandson of a most powerful and heroic monarch: he had already seen the conquests of his illustrious predecessor wrested from him in the West Indies, and his hereditary provinces of America erected into a separate and independent empire.—Brighter prospects could not be imagined than those which distinguished the commencement of his majesty's reign. Possessed of immense dominions, and the warmest affections of his people, his accession was highly flattering to himself and his subjects.—But how was the scene reversed?—He contrasted the reigns of Henry VI. and his majesty through a variety of striking parallels, and wished God that the concluding scene might not agree.

In reference to the recent change that had taken place in some of the cabinet appointments, which seemed to Mr. Adam, in some degree, to excuse his dereliction from his old party, he took a survey of the characters of the new ministers, and shewed the little probability that any amended system would be pursued through their influence or recommendation. Age and infirmity, he observed, had thrown off its crutches and obstacles, in the person of earl Bathurst, and come forward again to join those men, for the good of his country, whose injuries had driven him from the counsel board. Lord Stormount, with equal dignity and consistency, had likewise consented to join his majesty's ministers, notwithstanding he had publickly declared, that they had not attended to the information he had officially given them respecting the hostile intentions of the court of France, and consequently knew their unfitness for their situations. Lord Hillsborough, whose conduct had been so prominent a means of creating those disturbances which had produced our humiliation and disgrace, was also called in, at the close of the work, to complete

complete that dreadful tragedy, to which his rash impolitic letter, when last in office, had been the fatal prologue. But, after a fruitful search for those responsible situations, through all the departments of state, in whom the public might confide with safety, the honourable gentleman particularly called our attention to the court of chancery. There, indeed, a noble lord of the most distinguished abilities did infinite honour to the bench on which he sat. His lordship certainly possessed, and deserved, the credit of his country. But it was credit in him as a chancellor, in his professional abilities; not in his talents or address as a minister or a politician. Nor would it be easy to convince the people at large, that his station, his habits, his private studies, or the public duties of his character, permitted him any leisure or convenience for exercising his manly capacity on the management of national affairs. No; these were not the men from whom an empire, without friends, without resources, without union in her fleets or armies, or solid or rational agreement among her ministers, could have any well-founded expectations of relief.

This speech was so highly resented by Mr. Adam, that an explanation was demanded of Mr. Fox, which being refused, the affair terminated in a duel, in which Mr. Fox was slightly wounded*. This affair produced a very

* The particulars of this affair will be best explained by the following letters and statement, which were published at the time by authority.

" St. Alban's Tavern, Saturday, four o'clock afternoon,
November 27th, 1779.

" Mr. Adam presents his compliments to Mr. Fox, and begs leave to represent to him, that, upon considering again and again what had passed between them last night, it is

very strong impression on the public mind, and added greatly to the popularity of Mr. Fox. The people now regarded him, in an especial manner, as their champion; he had boldly hazarded his life, and bled in their cause. His firmness, courage, and generosity, were themes of general approbation, while the conduct of his antagonist was imputed to the basest motives. He was stigmatized, certainly without the least appearance of truth or probability, with being the mere instrument of ministerial vengeance; his person and his country were exposed to a torrent of the most virulent abuse: and the whole affair was considered and exhibited as a most flagrant instance of ferocious and implacable revenge,

or,

is impossible for him to have his character cleared to the public without inserting the following paragraph in the newspapers:

'We have authority to assure the public, that, in a conversation that passed between 'Mr. Fox, in consequence of the debate in the house of commons on Thursday last, Mr. 'Fox declared, that, however much his speech may have been misrepresented, he did not 'mean to throw any personal reflection on Mr. Adam.'

"Major Humberston does me the honour of delivering this to you, and will bring your answer."

To this Mr. Fox returned the following answer:

"Sir,

"I am very sorry that it is utterly inconsistent with my ideas of propriety to authorize the putting any thing into the newspapers relative to a speech, which, in my opinion, required no explanation. You, who heard the speech, must know, that it did convey no personal reflection upon you, unless you felt yourself in the predicament upon which I animadverted. The account of my speech in the newspapers is certainly incorrect,

or, gravely resolved, by popular credulity, into a ministerial conspiracy against the life of a man whose abilities they feared, and whose virtues, popularity, and influence they detested.

The matter was afterwards agitated in the house of commons, in consequence

rect, and certainly unauthorized by me; and therefore, with respect to that, I have nothing to say.

" Neither the conversation that passed at Brookes's, nor this letter, are of a secret nature; and, if you have any wish to relate the one, or shew the other, you are perfectly at liberty so to do.

" I am, &c.

" C. J. FOX."

This reply being unsatisfactory to Mr. Adam, produced the following rejoinder:

" SIR,

" As you must be sensible, that the speech, printed in the newspapers, reflects upon me personally; and as it is from them only that the public can have their information, it is evident, that, unless that is contradicted by your authority, in as public a manner as it was given, my character must be injured. Your refusal to do this entitles me to presume, that you approve of the manner in which that speech has been given to the public, and justifies me in demanding the only satisfaction that such an injury will admit of.

" Major Humberston is employed to settle all particulars; and the sooner this affair is brought to a conclusion, the more agreeable to me.

" I have the honour to be, &c."

In consequence of the above, the parties met, according to agreement, at eight o'clock the next morning. After the ground was measured out, at the distance of fourteen paces, Mr.

consequence of a similar meeting having taken place between the earl of Shelburne and colonel Fullerton, occasioned by some reflections cast by the former on the character of the latter, in a debate in the house of lords. Sir James Lowther, a person remarkable for having fought more duels than perhaps any other gentleman in his time, introduced the business to the notice of the house, and thought the interference of parliament essential to the preservation of its privileges. He wished not to reprobate gentlemen's defence of their honour. It was a quality so sacred, that no man of spirit could suffer it to be injured with impunity. But if every discussion in that house was to produce a duel, members had better relinquish their senatorial capacity at once, and decide their political differences in the field.

Mr. Adam desired Mr. Fox to fire; to which Mr. Fox replied, "Sir, I have no quarrel with you; do you fire." Mr. Adam then fired, and wounded Mr. Fox; which, we believe, was not at all perceived by Mr. Adam, as it was not distinctly seen by either of ourselves. Mr. Fox fired without effect. We then interfered, asking Mr. Adam if he was satisfied? Mr. Adam replied, "Will Mr. Fox declare he meant no personal attack upon my character?" Upon which Mr. Fox said, this was no place for apologies, and desired him to go on. Mr. Adam fired his second pistol without effect. Mr. Fox then fired his remaining pistol into the air; and then saying, as the affair was ended, he had no difficulty in declaring he meant no more personal affront to Mr. Adam than he did to either of the gentlemen present; Mr. Adam replied, "Sir, you have behaved like a man of honour." Mr. Fox then mentioned that he believed himself wounded; and, upon opening his waistcoat, it was found it was so, but, to all appearance, slightly. The parties then separated; and Mr. Fox's wound was, on examination, found not likely to produce any dangerous consequence.

(Signed) RICHARD FITZPATRICK,
T. MACKENZIE HUMBERSTON.

This,

This afforded Mr. Adam an opportunity of vindicating himself on the subject of his affair with Mr. Fox. He had acted, he said, from feelings altogether irresistible, without the least communication with any one. He had complied only with the dictates of his own heart, and what had operated on his mind, at the time, as the principles of pure, disinterested honour. These were sentiments which it was impossible for him to relinquish. They had ever guided his conduct, and, he hoped, ever would. He should have thought his character irretrievably lost, or sunk in the estimation of all men of sensibility and honour, if he had wholly overlooked the cause which called him to the field. But, amidst all the unwelcome sensations, occasioned by the recollection of an event which must ever be painful, he had the peculiar satisfaction of being enabled, in the face of that house, to do justice to the character of the honourable gentleman concerned with him in an affair, which he hoped would be the last of the kind he should ever be involved in. And it gave him the highest pleasure to assert, in the hearing of so respectable an assembly, that he had found in him that manliness, that generosity and spirit, of which all the world supposed him possessed, and which were by no means inferior to those superlative abilities which had justly created him the admiration of mankind, and of none more than himself. He spurned at the ignoble idea of adulation. He meant to flatter no man; and was sure, had he descended so far as to use a language unbecoming a man of honour, the honourable gentleman's liberal spirit and dignity of feeling would reject the fulsome attempt with the disdain it would merit.

Mr. Fox regarded this eulogium with dignified silence; but Mr. Rigby, a gentleman high in office, observing, " that he hoped what had happened that morning, and what had happened before of a

similar sort, would have the effect of keeping gentlemen within proper limits, and at least teach them better manners;" Mr. Fox, who thought himself glanced at, immediately rose, and observed, "that as the right honourable gentleman was apt to speak in a loose and careless way, he might perhaps, have had no particular meaning in what he said; but, as the words seemed to point to him, he was under the necessity of taking notice of them. He begged for one to say, that what had happened to him had not taught him better manners, nor should it ever restrain him within any other limits, than those which he had chalked out for himself."

But to quit this subject, and proceed with our narrative of the public life of Mr. Fox. Early in the year 1780, the indignant feelings of the nation were at length roused to a just sense of the flagrant misconduct of the servants of the crown, the disgrace of the British arms abroad, and the heavy burthens imposed on the people at home, and meetings were held throughout the kingdom, to take into consideration the alarming state of public affairs. The speech of Mr. Fox at a meeting of the inhabitants of Westminster, held in Westminster-hall on the 2d of February 1780, at which he was called to the chair, deserves particular notice, as well on account of the faithful picture it gives of the errours of government, as the sound constitutional remedy it proposes for their correction.

"Were you, gentlemen," said Mr. Fox, "to ask every member, as he passes through this hall to the house of commons, what he thought of the measures, and what of the honesty and wisdom, of ministers, he would tell you he detested and despised them. Yet, ten to one, the very same member should be instructed, by the nod of authority, to vote on whatever

ever question the minister inclined. This corruption, which they have been enabled, through the profligacy of parliament, to render so formidable and so universal, contains within itself the baleful source of its own continuance. What but this daily enlarges the influence of the crown, which is at last become so much the more dangerous, that it assumes the very forms of the constitution, and attacks the most valuable of our liberties with impunity? It is therefore high time we should all unite in one great national effort in behalf of our own safety. Nothing but some such popular exertion, the legal and constitutional association of the people at large, can rescue our franchises from that dreadful influence which at this moment threatens their extinction.

"What is the government of this country? Does it not consist of king, lords, and people? Is the house of commons more or less than the delegate or representation of the people, who intrust, for a limited time, their power, their rights, and their interests, in their hands? The moment that delegated body becomes perfidious, the interests of their constituents are abandoned, and they, instead of being the representatives of the people, become the slaves or passive instruments of the crown. Is this then the case? Are they, or are they not, in this critical predicament? I will not say they are yet so notoriously and universally profligate. But if they refuse to grant what the people ask; if they spurn at measures of œconomy; if they affect to treat the remonstrances of their constituents with contempt or indifference, from that moment they forfeit their character and their authority; and it is legal, constitutional, and necessary, for the people to resume that trust which has been thus prostituted to their disadvantage. This is the universal sense of the nation. Individuals every where feel and avow it, and no man can be so depraved, so

blinded by faction, or so ignorant of his dignity and birth right, as to deny the doctrine.

" The adherents of ministry, who enjoy those extravagant emoluments and unmerited pensions which are so much the object of national umbrage, may deem it unconstitutional to be deprived of them. They do say so in holes and corners. But they dare not boldly come forward at the public meetings and avow their sentiments. Protests may be contrived as senseless as they are impudent, by men who are robbing the public, in the present hour of general despondency and distress, in secret cabals: and these may be sent to hedge ale houses to be signed by their needy dependents: but will they meet the people of England fairly, and support their claims and pretensions to such extravagant emoluments by public proof? You meet in the eyes of all the world, and declare your sense of our public situation like citizens and like men.

" It is said that petitions lead to anarchy and confusion. They do not. Their consequence is the reverse. They tend to prevent every sort of public mischief, to avert the downfall of the empire, to restore us to harmony and unanimity, and to recover our national consequence and tranquillity by vigour, exertion, and success. But this is not a time to embarrass government! Is that then the object of the petition? No! Their aim is œconomy, and œconomy is giving new supplies to government. All that can be saved from the sink of corruption will thus contribute to the public service, give additional strength to our arms, and enable us to maintain, with spirit and effect, the dreadful and unequal struggle in which we are engaged. We are told this is not a time for these complaints or this reformation! What! is not the moment of necessity

necessity the moment for relief? When is œconomy most seasonable but when pressed for supplies? The measure would be criminal indeed, were we contriving how to burthen the people with more taxes; but we wish to answer the demands of the state,—not by additional impositions, but by a frugal application of what we already possess. This reform originates from men who never attempted it themselves when in power. Whigs and Tories have been equally prodigal. The charge has some foundation, but has no argument. The calamity has advanced to this moment unredressed. But till this moment it was never so generally felt, or so clearly understood. Nor was it ever so formidable or enormous as now. When success crowns every effort of a great people, and conquest makes them glorious and happy, they are not so apt to grudge the expenditure of public money. Then they give with pleasure, because what they give, though not spent with œconomy, yet enlarges their territory and enhances their renown. But when defeat, shame, and dismay, haunt and harass them in every quarter, when their exertions grow weak and languid, they are tempted by curiosity, as well as concern, to call their servants to account, and to inspect, with a jealous severity, their public disbursements.

"Formerly, when a minister was attacked, his vindication generally rested on the merits he possessed. But now the friends, or rather the adherents (for friends they have none), of the present junto abandon that ground. Their warmest advocates affect not to say they are wise, capable, virtuous, zealous, or vigilant. No! they have long given them up to the just but indignant accusations of the people. Still, however, they exclaim, their enemies are as bad. They have no other defence, and the cause deserves no other. Thus they attempt to blacken human nature, to throw

throw the foulest calumny on mankind, and, in the plenitude of conscious deformity, to libel the whole species, by reducing them to their own deplorable standard.

" The necessity of national exertion, at this moment, is obvious. The people know well the origin of monarchy. It is the reward which gratitude induced them to pay individuals of extraordinary heroism and virtue for rescuing them from slavery, extending, planning, or establishing their interests, or other eminent or patriotic actions. Such is the origin of kingly authority ; and what gratitude at first produced, prescription, habit, happiness in some instances, and weakness in others, combined and maintained. Nations are excusable for confering royalty on the man who gives them glory and empire. But what opprobrium must that people suffer who permit themselves to be enslaved in a reign not immortalized by the lustre of enterprize ? They have no other apology than tameness, servility, and corruption. Were the value of liberty unknown, were its nature either undefined or misunderstood, ignorance might cover their insignificance. They might be pitied. They could not be condemned. But, having every advantage of information and science, the amplest liberty, and the justest sense of its worth, with the example before their eyes what manly resistance must produce, their indifference will be universally detested, and infamy added to ruin.

" Nothing but the determined resolution of the people, the temperate and firm decision of Englishmen, united in one plan and pressing to one point, can now save them. Thus united, thus resolved, thus acting, no prince however obstinate, no parliament however venal, can oppose or resist them with effect. Call to mind the treatment you have received, the manner

manner in which you have been loaded with taxes, and that, in the midst of public calamity and public want, the yearly revenue of the sovereign is increased a hundred thousand pounds, and that he is the only person whose estate is not to suffer from the incapacity and prodigality of his servants; and judge for yourselves whether you have any thing to expect from such a ministry and such measures. You must be the ministers of your own deliverance, and the road to it is open. You see the effects of manly resolution. Your brethren in America and Ireland shew you how to act when bad men force you to feel. Are we not born heirs of the same privileges? Are we not possessed of equal veneration for our lives and liberties? Does not the blood flow as freely in our veins as in theirs? Are we not as capable as they are of spurning at life when unaccompanied with freedom? Did not our forefathers fight and bleed for their rights, and transmit them as the most valuable legacy they could bequeath to posterity? And shall we not then join heart and hand to do ourselves right in this crisis of danger and oppression? Shall the heart of the empire be tame and lifeless while her limbs are in activity and motion? No! I trust corruption has not yet extended her debilitating influence to the people, who are the vitals of the great body politic.

"Without association you must fall a sacrifice to that corruption which has given the crown an influence unknown to any former period of our history. Permit this influence to increase, and the country is enslaved, freedom destroyed, and the English constitution completely overthrown. You may be told, associating, in the present instance, has the appearance of controuling parliament, who have always deemed it an infringement of their privileges for subjects to interfere in the regulation of taxes. Happy had it been for this country, fortunate and honourable had

had it been for us all, had parliament listened in time to the interfering voice of America, and suffered itself to be controuled by the temperate admonitions of a brave and free people. Instead of anarchy, confusion, and insurrection, we should then have still possessed the dominion and interest of that glorious country, and have been the grateful spectators, at this hour, of peace, order, and good government through the whole empire. But what is there in the word association to alarm or terrify an honest ear? When arguments, however, of terror fail, there is a never-failing topic, with which they work on public credulity, to discourage and suppress every attempt at reformation. They tell you that the persons who court your confidence and call upon you for assistance, are only swayed by self, or alive to no other feelings than the sinister impulse of ambition. Thank God they have not been able to substantiate a single proof of this bold and unwarrantable allegation, an allegation, which, if true, were enough to sum up the measure of your misery, and consign you, hopeless and acquiescent, to despair and slavery. Is there, then, no virtue, no integrity, left among you? Consult your own honest, disinterested hearts, and give the base calumniator, who thus vilifies the human species and the human name, and dares so wantonly to insult your personal feelings of honour, the answer he deserves. Facts stand directly in opposition to this unworthy imputation, as far as relates to the conduct of those men who are thus made objects of unremitting scurrility and rancour. Is it a proof of their selfishness and want of principle, that, for a series of years, they have uniformly, and in every part of it, embattled that system which has, confessedly by all men, brought this country into a war of complicated mischief and misfortune, replete with distress and destitute of glory? In such an unequal struggle, they have not only stood opposed to the power and inclination of the crown and its ministers, an immense and

and hitherto unknown majority in parliament, but have even ventured, in support of their opinions, to face the prejudice of a vast body of the people, under the fair hope and confidence that, sooner or later, errour must give way to truth, and justice be done to the purity of their intentions.

" But surely this opposition did not clog the wheels of government, or obstruct the measures of the legislature. Ministers still had the most ample supplies, and possessed the most unbounded rage for profusion. Opposition wielded no other weapons than those of plain arguments and honest admonitions, diligently, but temperately, used for the honour and happiness of the country, and for the maintenance of which, they have almost all of them, in their turn, foregone the possession of present emolument, and repeatedly refused the most tempting proffers of interest and ambition. And what is their present conduct? Is not the proposal, now submitted to you, an unequivocal demonstration of their disinterestedness and zeal to serve you? But I beseech and obtest you to divest yourselves of any partiality or predilection for any set of men. Judge of us as we continue to act. Regard our minutest actions with a jealous eye. Your solicitude will only make us more attentive to our duty, and render your good opinion and confidence of higher estimation. We ask of you no favour. We will not have an implicit confidence. We expect and are certain of having justice done to us, by an honest and wise people, in defiance of all the arts of malice and misrepresentation. Let your censure, the severest punishment we can feel, attend us, whenever, in a single instance, we desert or betray your interest. While our conduct remains pure, open, and superior to suspicion, we claim your approbation and

your confidence. Nor will you wait our solicitation, but generously bestow what you know, and we feel to be our right."

The chief object of the petitions, which at this period flowed in from all parts of the kingdom, was a reduction of the public expenditure. Men, in every station of life, felt the severity of the taxes; and the unanimous voice of the nation was loudly directed against whatever had the appearance of prodigal waste in the application of the public money. The pension list stood peculiarly exposed to this imputation; and the advocates of the court system were singularly averse from disclosing the secrets of that venal and ignominious roll. It contained names which they presumed could not be mentioned without indelicacy. They considered it as an inviolable deed of majesty, which, in any degree to diminish, implied an impertinent interference with the king's civil allowance. They asserted that parliament had no controuling power over any branch of the civil-list revenue, and deprecated the least attempt on their part to reform it, as an unwarrantable stretch of authority. So alarming a doctrine as this, seriously broached and maintained, in that branch of the legislature in which alone the superintendence of the public purse is constitutionally lodged, roused the patriotic indignation of Mr. Fox, and drew from him an animated and forcible reply. The people, he said, were scarcely able to support the necessary expense of government; and why should they be impoverished to swell the luxury of the idle and the vain? He asserted in the strongest terms, the competence of parliament to inspect the expenditure of the royal revenue, and insisted that the king did not possess a single prerogative which might not be abused, and which, for that reason, was not subjected to the authority of parliament.

If

If parliament, said he, had no right to interfere, to arrange, to reform, and even when no other measure was adequate, to resume her grants of public money to the crown for public purposes, the liberties of the people were at an end. The right to vote and to controul, without that of superintending and calling to account, would reduce the people's delegates to the mere slavery of tax gatherers. He declared, that the king was no more than the creature of the people; their trustee, whose disbursements they had a title to inspect. The parliament made his majesty successor to the throne; but he possessed no hereditary or unalienable right. He was the sovereign of the people, but held the crown only as long as they thought proper. His civil revenue was therefore given solely for the public service, whose representatives undoubtedly had at all times a constitutional power to prevent an abuse in the expenditure of it.

Early in the session of 1780, Mr. Burke brought forward a plan of œconomical reform well worthy of the talents of that distinguished senator, and which, had it succeeded, would have produced the public an annual saving of two hundred thousand pounds; and, what perhaps was more desirable, have divested the crown of a proportion of influence equal to the places of fifty members of parliament. This gave rise to many obstinate debates in the house of commons; and, to the disgrace of that assembly, was ultimately rejected, but not without a severe and spirited struggle on the part of opposition. Mr. Fox greatly distinguished himself in every stage of the business, but more particularly on the 4th of March, on a motion for the commitment of Mr. Burke's bill, when lord Nugent, who had long, for reasons that need not be alluded to, been a staunch advocate of the court system, declared, "that the influence of the crown was strictly constitutional, that he would resist the petitions of the people in

proportion as a diminution of that influence appeared to be the object of them; and that the gentlemen who urged the prayers of those petitions had not, in his opinion, so much the good of their country, as the honours and emoluments of office, at heart." To this contemptible and hacknied jargon, Mr. Fox made an eloquent, manly, and dignified reply.

"His lordship," said he, "talks of dependence; he says that dependence is independence, and that independence is dependence; that mutual independence is mutual dependence, and that mutual dependence is mutual independence. These, sir, are parodoxes that I do not pretend to unravel; but I understand the noble lord when he asserts that the influence of the crown is a constitutional influence. To that opinion, guarded and qualified as it ought to be, I would willingly subscribe; for doubtless the crown forms a third part of the British legislature. But that kind of influence, which the noble lord alludes to, I shall ever deem unconstitutional; for, by the influence of the crown, he means the influence of the crown in parliament. As bad an interpreter or commentator as I am deemed to be, [alluding to what lord North had said of him in a former debate,] I am warranted to say this much;—for the noble lord, in defence of the influence of the crown, argues thus:—'Have not great talents and virtues an influence in this house? Has not the influence of the honourable gentleman, who moved this bill, appeared conspicuously in the treatment, in the success, it has already met with?' But that influence, I contend, is influence in parliament; therefore the influence he pleads for, on the strength of this example, is an influence in parliament also. Truly, if that be good doctrine, how many votes in this house are consonant to the spirit of the constitution? For all who wish to hold, or to acquire, places, those among the rest, who wish to acquire them by opposition to government, all vote in a con-

a constitutional manner. But I hope to see that doctrine exploded; and do not despair of seeing the house of commons voting that the tenets, avowed and defended this day, by the noble lord, are false, dangerous, and abominable. That noble lord, looking towards me, some days ago, put the following question: 'Is there not such a thing as corrupt ambition?' Yes, sir, there is; and the bill in question is an excellent antidote to it. For, when places and pensions are diminished, there will not so be many incitements, as otherwise would exist, to false and corrupt ambition.—But, while I reprobate an interested and false ambition, there is an ambition, of which, in my opinion, a man has not any cause to be ashamed. The Author of Nature has implanted in the human breast an invincible sensibility to the sentiments entertained of us by those around us; and an endeavour to distinguish one's self by honourable actions is itself honourable. To seek court favour, through the paths of intrigue, through secret, lurking, dark, and winding bye-ways, is an ambition unworthy of a man; and, if this were true ambition, the sentiment of Shakspeare must be false, who affirms, that '*ambition should be made of stony stuff*.' No, sir, if that were true ambition, it should be made of soft and pliant stuff. But true ambition walks in the face of the world, in a plain and open road; *ad gloriam via virtutis;* it points to glory through the paths of virtue: and of this ambition, I trust that neither I, nor any of the gentlemen who are near me are entirely destitute.

"There is a wicked, heretical, and damnable court doctrine, which has of late been propagated with infinite solicitude, and held out as a trap for the honest credulity of the people, that all ambition is self-interested, that all men are alike, and that every man has his price. This abortive theory is obstinately persisted in, though daily and notoriously belied by practice.

practice. For ministry, it is well known, have, for many years, been endeavouring, by every offer and manœuvre in their power, to buy us in vain. But the noble lord, full of these erroneous and detestable sentiments, affects to treat the opposition with scorn, and boasts, in that kind of language, and with that supreme confidence which is never likely to forsake him, that ministry *have been* supported for ten whole years by *country* gentlemen. He understands them to be most independent, because most wealthy. He is not alone in this idea, and it is not perhaps unnatural for those in his situation to indulge it. The style of his lordship's speech, however, is much more consolatory than the matter of it. The preterperfect tense is adapted to his lordship's argument with great propriety. He says the country gentlemen *have* supported ministers, not that they *do*, but they *have done*. I trust in God, this fatal support is no more. The petitions of the people have converted their representatives, and impressed them with that affecting distinction which subsists, as it has long subsisted, between the interest of ministers and that of the nation.

" But who does the noble lord mean by country gentlemen? For county members I have the greatest possible respect; but I do not say, I hope no man will venture to say, in this house, that they are better men, or honester members of parliament, than the representatives of towns, cities, or boroughs. For riches, I hope, are not the only test of independence of spirit; if they were, I should have little face to assert my own independency, which I do, in this assembly. Sir, as on the other hand there are men, whose base, servile, and timid souls cannot be rendered independent by any extent of property, so, I trust, there are others, whose love of freedom is not to be subdued, into dependence and servility, by any degree of poverty or any reverse of fortune. The same noble lord, who fairly and boldly

boldly avowed and defended the influence of the crown in parliament, honestly acknowledges that we have lost thirteen provinces. I like that noble lord's candour; it is manly; it is noble to speak the truth. The noble lord contends that this loss must necessarily diminish the influence of the crown. In time, it must do so infallibly, but it has not done so yet; on the contrary, the millions and millions that are voted for the reduction of the colonies, under the obedience of the crown, bestow on its influence a temporary increase. But, whatever weight may be thought in this last argument, let not the noble lord, after what he has acknowledged this day, have any objection, when we shall go into the committee, to the abolition of the office of secretary for the colonies. I hope, after what has this day been acknowledged, that we shall hear no more of salaries continued to mock governors of the colonies, and, above all, that we shall hear no more of the justice or propriety of continuing his pension to that firebrand, and source of all the contests in America, the late governor of New England [Mr. Hutchinson].

" It has been said, that institutions are not to be abolished because they may be abused or perverted from their original design; that the influence of the crown is not to be eradicated from the British constitution, because it may occasionally transgress its due bounds, any more than the liberty of the press, which is the palladium of our freedom, although it has been abused, and become the source of great and execrable enormities. The most sacred names and characters, it is justly observed, have not escaped calumny and reproach; yet who will contend that the liberty of the press ought to be restrained and suppressed ? Sir, I have the greatest attachment to the person of my gracious sovereign; yet I think, that

amidst the general wreck of character, that has been occasioned in this by the unbounded licence of the press, it would be unreasonable to expect, that the most conspicuous character in it should escape unhurt. I blame writers for not distinguishing the sacred person of the king from his ministers; and I blame ministers still more for using the king's name to measures the most odious and detestable. They ought to have told their gracious and royal master, that to increase his civil list, while his subjects were groaning under taxes, to reduce nations to the necessity of resistance by oppressive measures, and then to set one part of his dominions at war with another, were things that must subject any character to infamy. These things they ought to have foretold, and not to complain of an effect, which must necessarily flow from their own conduct.

"This, I confess, is extraneous matter, and not immediately connected with the question before us. But the conduct of gentlemen on this side of the house was traduced, and it was natural to repel attacks when they were made. If it be true, that opposition have, through corrupt ambition, dissevered America from the mother country, and armed the inhabitants of Ireland against their fellow subjects of Great Britain; if they want to unhinge the constitution, by destroying the power of a third part of the legislative; if, from envy and disappointment, we wish to throw all things into confusion, and to hang upon the wheels of government at a time when we ought to accelerate the motion; all that is said against us is far too mild and gentle. The Morning Post* has not devised terms of ignominy and reproach adequate to our demerit. But if

* A news-paper at that time extremely violent in its abuse of opposition.

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on the contrary, we neither have nor can have any other motive for our conduct than a zeal to extricate this country out of the difficulties and dangers in which the conduct of a weak administration has plunged it, how can we refrain from expressing our indignation against men who falsely accuse us as the cause of those misfortunes of which themselves are the authors; and who throw every difficulty and delay in the way of our endeavours to retrieve them?"

The 6th of April, 1780, was a day memorable in the annals of parliament for the resolutions which the house of commons had the virtue to pass, declaring, that "the influence of the crown had increased, was increasing, and ought to be diminished:"—"that it is competent to the house of commons to examine into, and to correct abuses in the expenditure of, the civil list revenues, as well as in every other branch of the public revenue, whenever it shall seem expedient to the wisdom of the house so to do:" and, "that it is the duty of this house to provide, as far as may be, an immediate and effectual redress of the abuses complained of in the petitions presented to the house by the different counties, cities, and towns in this kingdom."

The first of these resolutions was carried by a majority of 18, the numbers being 233, who declared against the influence of the crown, to 215 who supported ministers. The other resolutions were carried without a division. Mr. Fox moved, the same evening, that the resolutions should be immediately reported. This was opposed by the minister, with all the energy he retained, as being unusual, violent, and arbitrary. But the torrent was too strong to be resisted. The resolutions were severally

reported and received; and, after being read a first and second time, were agreed to, and confirmed by the house, without a division*.

The patriotic party continued for a few days triumphant in the house of commons; but an unfortunate illness of the speaker having occasioned an adjournment from the 14th to the 24th, the minister seized the interval to recruit his strength, and, with so much success, that when the house met, all plans of reformation were at an end. On the day of meeting, Mr. Dunning brought forward a motion, which had been postponed on account of the speaker's illness, for an address to his majesty, requesting that he would not dissolve parliament nor prorogue the present session until proper measures should be taken by that house to diminish the influence of the crown and to correct the other evils complained of in the petitions of the people.

* Mr. Burke, in the historical part of the Annual Register for 1780, speaking of these transactions, says, "Such was the complete and decisive victory gained, in behalf of the petitions, by opposition on that extraordinary and memorable day. The exultation and triumph on one side of the house was only equalled by the evident depression and dismay which prevailed on the side of administration. Indeed the appearance of things was sufficient to strike the boldest with dismay: nor does it seem, that any proposition could have been brought fairly before the house on that night, which, in the spirit that then prevailed, would not have been carried against the ministers. When the nature and tendency of the questions are considered, and the manner in which they were carried is attentively viewed, scarcely any thing more important seems to have been proposed and carried since the revolution. The system of the court was shaken to its foundation. Without doors, the joy and triumph in most parts of England, as well in most of the counties that did not petition as in those that did, was great and general; and, though not displayed in the same manner, would not perhaps have been exceeded, on occasion of the most decisive victory over a foreign enemy."

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This motion occasioned long and animated debates, but was at length rejected by a majority of 51, the numbers who voted against it being 254, to 203 who supported it.

Mr. Fox, immediately after the motion had been thus disposed of, rose to speak, but was for some time prevented from proceeding by the clamours of the majority, who dreaded to hear the deserters from the popular party treated as they deserved; but the exertions of the speaker having at length restored order, Mr. Fox proceeded to pronounce one of the most keen and pointed philippics that was ever heard in the walls of the house of commons. No calls to order, nor any other means, could either check the torrent of his eloquence or restrain the bitterness of his invective.

A tergiversation so grossly flagrant and unexpected roused his utmost indignation. He declared the vote of that night to be scandalous, disgraceful, and treacherous. He did not apply these charges to the 215 gentlemen, who had, along with the minister, opposed the resolutions of the 6th of April. These gentlemen acted an open, consistent, and a manly part, in opposing the address proposed on the present day. They had differed from him; he was sorry for it; but he could not blame them, because they differed from him upon principle.

But who could contemplate, he said, without a mixture of the greatest surprize and indignation, the conduct of another set of men in that house—those who had resolved that the influence of the crown was increased, and ought to be diminished; that the grievances of the people ought to be redressed; who pledged themselves to that house, to

the nation, to their constituents, to each other, and to themselves, that it was their duty to redress the grievances complained of; and who had now shamefully fled from that solemn engagement?—Like the case of an individual, who engages to pay a sum of money, or incur a penalty, he insisted that they had solemnly entered into a bond, with the people of England, to withstand the encroachments of prerogative, and to destroy that enormous overgrown corruption which threatened the very existence of their liberties.—But, though they had thus pledged themselves to redress the grievances of the public, they were not, it seems, to be bound by ties the most sacred and forcible. Such a conduct was unaccountable to him on any other motives than those of the basest treachery.

No man, he said, held those who were habitually at the devotion of the minister in greater contempt than he did. They were slaves of the worst kind, because they sold their own liberty to effect the slavery of others. Yet base as the tenure of their places was, they still possessed the virtues of fidelity, gratitude, and consistency, nor added to their other demerits the absurdity and treachery of one day resolving an opinion to be true, and the next declaring it to be a falsehood. They had not deceived their patron, their friends, or their country, but had fairly adhered to their avowed sentiments. This conduct, so far as it went, was entitled to his approbation. He could forgive the man whom he saw voting regularly with the minister, through thick and thin, on every question; he could view him in his servile state, the abject puppet of despotism, with sentiments of commiseration; he could excuse his cringing and bowing at the levee of the prince or the premier; every creature knew best how to act in his own element; but when he witnessed men affecting the very principles at one time which they opposed at another, it filled him with

with horrour. His inmost thoughts revolted at such a shameless versatility of sentiment. It reduced politics to a mere science of loss and gain. It made the duty of representation a farce. It was an insult on the faith of the nation; and exhibited parliament to the world as acting without any regard to right or wrong.

From this time to the close of the session, which was the last of this parliament, the minister retained and increased his majorities; and the efforts of the opposition grew feeble in proportion as their prospect of success diminished. The motion of Mr. Dunning, on the 25th of May, in a committee of the whole house, to report the resolutions of the 10th of April, which purported, "that in order to secure the independence of parliament, and to obviate all suspicions of its purity, within seven days after the meeting of parliament, every session, there be laid before that house, by the proper officer, an account of all monies paid out of the civil list, or any part of the public revenue, to or for the use or in trust for any member of parliament, since the last recess, by every person who shall have paid the same," was rejected by a majority of 43, and was the last effort on the part of opposition to procure the people a redress of their grievances, as prayed for in their petitions. The dreadful riots which happened a few days afterwards, and threatened the capital with destruction, necessarily occasioned a suspension of party animosities, and united Whigs and Tories, men of all denominations, in a strict union to preserve the constitution inviolate from the desperate attempts of misguided fanatics and a licentious rabble. The popular commotions, which unhappily at this period assumed so dangerous an aspect, strengthened the hands of ministers, for the time at least, and by the alarm which they excited and which continued to subsist long after the actual danger

danger was over, put an end to all immediate attempts at the correction of public abuses. Ministers, in other points destitute enough of foresight, had the sagacity, in this instance, to take advantage of the consternation that had seized all classes of people, and by a temperate use of their authority, at a very critical and extraordinary juncture, acquired to themselves a higher reputation for ability than they had any legitimate claim to.—It was probably under the influence of this new acquired popularity, that they soon after recommended his majesty to dissolve that parliament, which had oftener than once threatened them with the loss of office, and which, in many of their proceedings, could not be supposed to have been very acceptable to the monarch himself."

The political character of Mr. Fox had by this time been completely developed. He was decidedly the most popular senator in the kingdom; not from a concurrence of fortuitous circumstances in his favour, like those which elevated Mr. Pitt, when distinguished as the *great commoner*, to such a height of popular applause, but from a conviction operating through the nation at large, that the public good was the paramount aim and end of his conduct.—From the period of his quitting the court party, he had inflexibly proved himself, what a member of the house of commons ought to be, a vigilant guardian of the rights and liberties of the people: he cherished and watched over their interests with unceasing solicitude: he considered the great body of the people as radically invested by nature with all the majesty of authority and law, and that whatever militated against their happiness was contrary to the true end of government. Though obliged by national habits and legislative forms to act as a party man, there was nothing of petty cabal, low-mindedness, or insignificance in his system of opposition; it was directed to great

great interests and objects, and actuated by noble motives. The corruptions of the court had no allurements for him. He regarded himself, what about this time he began to be popularly designated, as the MAN OF THE PEOPLE; he had no feelings or interests separate from theirs; and prosecuted no views of which their advantage was not the ultimate object.

At a meeting of the electors of Westminster, held early in the year, of which we have already taken some notice, Mr. Fox was invited to become a candidate at the next general election. In returning thanks on that occasion, he said, that a steady support of the rights and liberties of the people of England, against every attempt to crush them by force or to undermine them by corruption, was the only plea on which he founded his hopes. In his address to the electors, on the dissolution of parliament, he disclaimed all confidence in the influence of fortune, connections, or personal consequence, and declared that he acted only in obedience to those commands which had formerly been laid upon him by a numerous meeting of the most respectable electors. The distinguished honour which he then received, he had uniformly attributed to their approbation of his public principles; which conscious of having in no instance deserted, he had no doubt but the same partiality which had nominated him as a candidate would ensure his success on the day of election.

The candidates on this occasion with Mr. Fox were Sir George Rodney, who had recently acquired much deserved popularity by the capture of a valuable Spanish convoy and the defeat of don Juan Langara's squadron, and the earl of Lincoln, eldest son of the duke of Newcastle. The election of sir George Rodney was secure from the first, so that the contest

contest lay entirely between Mr. Fox and the earl of Lincoln. The latter, independent of his own noble connections and the powerful influence of his family, which for many years had a large share in the distribution of the favours of the crown, was supported with all the power of the court and administration. Mr. Fox's recommendations to the favour of the electors, were his splendid talents, his bold and unaccommodating patriotism, his abhorrence of corruption, and his firm adherence to the free and enlightened principles of the constitution.

In his speech from the hustings, on the first day of the election, he said his rival was supported by birth and fortune. To these advantages he had no pretension; but he did not consider these as the most essential qualifications for a member of parliament. Honesty, intrepidity, public spirit, and a love of our country, he presumed, as promising to answer more effectually the purpose of general utility, were much more eligible. In point of fortune he acknowledged himself poor, but deemed himself rich in their suffrages. Their very flattering and repeated promises of support compensated his want of a great title and a large estate. The present contest, however, was not between him and lord Lincoln, but between him and a ministry who had reduced this once flourishing empire to the most calamitous and ruinous condition. He, like others, might have enjoyed places and pensions; but these were objects not so dear to him as the welfare of his country; and, from a set of men acting in habitual violence to the constitution, were certainly not compatible with his personal honour.

He had no disrespect, he said, for the noble lord, who, he was sensible, possessed many amiable and engaging qualities; but gentlemen, whose sentiments

sentiments coincided with his, were bound to oppose the election of the noble lord as the measures of a court faction who avowed the most determined hostility to their liberties. He took this opportunity of accounting to the electors for the fate of their petition. Parliament, he said, had evidently been corrupted to reject their sober, temperate, and constitutional request of an abolition of unnecessary offices, places, sinecures, and pensions, with a more equal representation of the people. Their petition was rejected under the pretence of being dangerous to the constitution; and such would be the treatment of all petitions which tended to lessen the national expense or destroy the corrupt influence of the crown. Their votes were solicited for a candidate, whose attachment to the party whose politics had dismembered the empire, was avowed. The minister, who obtruded him on them, told them, that by conquering America, they would be eased of their taxes. But how stood the fact? This visionary conquest of America ends in a local house-tax on the citizens of Westminster. It was thus all the measures of the minister terminated in some great national misfortune. Their election of lord Lincoln would be an acquiescence in the means of their own ruin, and giving all the assistance in their power to the worst enemies of the public. He conjured them to be active and steady in a contest in which the salvation or destruction of Great Britain, oppression and liberty, were the only parties. It was a struggle in which honesty and firmness had to contend against all the weight of power and corruption; and in which those only who could persuade themselves, that neither they nor any connected with them were likely to have any share in the issue, could innocently take none in the progress of such a conflict. He trusted in God, the spirit of the people would at length be roused. They could never have a better opportunity than was now offered of vindicating their wrongs, and stigmatizing, with universal contempt and abhorrence, those

wretched parasites of power of whom the infamous majority in the last parliament was composed. No ministry was authorized to prescribe to their choice, but least of all those whose blunders and principles had justly rendered them universally odious and detestable.

As men and as citizens, he urged them to maintain their independence, to preserve those rights in their fullest extent, which could not be lost without their treacherous connivance, and to set an example, at this important crisis, to every other elective body in the kingdom of their public spirit. He concluded with cautioning them strongly against any tumultuous proceedings. Freedom, he said, was only to be preserved by decency and order. And he hoped their conduct would convince their enemies and the world at large, that they aimed not at a lawless, but a constitutional, liberty; and that they could, at all times, coolly, but firmly and efficiently, assert their privileges without disturbing the peace of the community.

The utmost exertions of government were employed to defeat the popular candidate, but in the end the good sense and public spirit of the electors of Westminster prevailed, and sir George Rodney and Mr. Fox were returned as their representatives, the state of the poll being as follows:

For sir George Bridges Rodney -	5298
Mr. Fox - - -	4878
Lord Lincoln - -	4157

A scrutiny was demanded by the friends of lord Lincoln, which terminated on the 10th of October, when Mr. Fox was declared duly elected,

elected, a day that will be thought of by the electors of Westminster with mixed sensations of pride and sadness, as long as the pure principles of the constitution are held in esteem among them, or the memory of the most illustrious of their representatives is preserved.

It may perhaps not be unacceptable to the readers who may favour this publication with a perusal, if we pause for a short time, now we are arrived at this important æra of the public life of Mr. Fox, for the purpose of presenting them with a slight sketch of his private habits and character up to this period; taken, indeed, we must unreservedly confess, not from any private, or what in strictness can be deemed on such topics indisputable sources of information, but from contemporary publications, in the use of which all the merit we can claim will be, to have distinguished between the too warm eulogiums of friends and the exaggerated accusations of enemies.

That extravagant propensity for every species of dissipation and pleasure which distinguished Mr. Fox in his youth, did not forsake him in his maturer years. His attachment to the gaming table was invincible, and he devoted himself with equal eagerness to the amusements of Newmarket. These pursuits, which he followed with his characteristic ardour, led him into many embarrassing difficulties; exposed him to much, but not unfrequently ludicrous*, pecuniary distress; and deprived him of the whole

* No man, it is certain, ever felt more for the misfortunes of others than Mr. Fox, nor was any one ever more easy in breaking his jests on his own. His pecuniary transactions,

whole of his patrimonial inheritance*. The equanimity with which he sustained the reverses of fortune, which was exemplary and wonderful, proceeded

actions, occasioned by the repeated calls of temporary necessity, though frequent, were never conducted under any affectation of secresy. A numerous and rapacious set of money-lenders, chiefly Jews, were always in readiness to afford him whatever advances of money his most pressing exigencies required. With these usurious panders to his extravagance he usually transacted business in a back parlour of his house, to which, on that account, he gave the name of the Jerusalem Chamber.

* On the death of his father, which happened in 1774, and that of his elder brother lord Holland, which occurred the same year, Mr. Fox succeeded to a fortune producing an annual income, it has been said, of not less than four thousand pounds. The beautiful house at Kingsgate, in the isle of Thanet, built in imitation of Cicero's villa on the coast of Baiæ, formed part of his inheritance; and, on the death of his brother, he succeeded to the lucrative sinecure of the clerkship of the pells in Ireland.—His sale of this post exposed him to much misrepresentation and abuse. It was alledged by those who were either ignorant of the nature of the transaction or who designedly mis-stated it, that the clerkship of the pells had been given him as a *douceur* by those very ministers against whom he raised and directed so formidable an opposition. This allegation exposed him to the double charge of ingratitude to the minister, and personal indelicacy to the sovereign. On one occasion, the affair was brought forward in the house of commons, by the lord advocate of Scotland (Mr. Dundas), as disgraceful to Mr. Fox, which produced from him a formal and satisfactory reply to all that had been advanced against him on the subject. The question which occasioned the subject to be agitated, was a motion for the better regulating the granting of pensions, when Mr. Fox strongly objected against their being given as a bribe to the assumption of any efficient office. He thought the principle a pernicious one, and, alluding to a sinecure post in Scotland that had lately been conferred on Mr. Dundas in addition to the treasurership of the navy, he said, he could not help remarking, though he meant nothing personally offensive to the lord advocate, that when the learned lord accepted one office for life, at the same time he was raised to another, and

proceeded probably not so much from the suavity as from the nobleness of his nature. If he did not look on riches perfectly with the eye, as certainly he did not use them with the discretion, of a philosopher, his embarrassments never made him forget what was due to himself, nor tempted him to abandon his principles to better his fortunes. This senti-

and that almost a sinecure, all the world was astonished at such an extraordinary mode of wasting the public money. The lord advocate immediately rose in his own defence, and insisted that he had not obtained the place of *keeper of the signet* in Scotland as an inducement to accept of the treasurership of the navy, a place which he was free to acknowledge did not very well comport with his professional habits and pursuits. He did not, however, think himself unqualified for the place assigned him in Scotland. It was in the line of his profession, and corresponded with his inclinations. And his majesty having been graciously pleased thus to honour him with a patent place, he would assure the right honourable gentleman he would never disgrace his royal master by carrying the patent to market. Mr. Fox claimed the protection of the house, and denied that the transaction alluded to had any thing in it in the smallest degree dishonourable. His father, he said, during his administration, obtained the office of *clerk of the pells in Ireland*, for three lives; and it devolved to him, as part of his patrimony, on the death of his brother, the late lord Holland. He had no connection with administration when they applied to him for the place in question, which he relinquished on very bad terms for himself, by giving away a thing of greater value than that which he got in exchange. This was the whole negociation for which he had been thus cavalierly criminated. It was a matter well known and frequently talked of; and which no other person than his lordship had ever thought disgraceful or dishonourable in the smallest degree. It was no favour to him from the crown; no boon from his present majesty or any of his ministers; but a legacy left him by one of his relations, and as much at the disposal of the owner as any other species of property whatever. Mr. Rigby, for whose accommodation government first made the purchase, being privy to the whole transaction, declared, that the bargain made by Mr. Fox was perfectly honourable, and in which he never thought him censurable, except for having parted with his patent for less than it was worth.

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ment he has beautifully and forcibly expressed in his INVOCATION TO POVERTY, which appeared about the year 1780, and evidently was composed under some of those trying vicissitudes of fortune to which his predilection for play too often unhappily exposed him.

INVOCATION TO POVERTY.

O Poverty! of pale consumptive hue,
If thou delight'st to haunt me still in view,
If still thy presence must my steps attend,
At least continue, as thou art, my friend.
When Scotch example bids me be unjust,
False to my word, or faithless to my trust,
Bid me the baneful error quickly see,
And shun the world to find repose with thee.
When vice to wealth would turn my partial eye,
Or interest shut my ear to sorrow's cry,
Or courtier's custom would my reason bend,
My foe to flatter, or desert my friend,—
Oppose, kind Poverty, thy temper'd shield,
And bear me off unvanquish'd from the field.

If giddy Fortune e're return again,
With all her idle, restless, wanton train;
Her magic glass should false Ambition hold,
Or Av'rice bid me put my trust in gold;
To my relief then, virtuous goddess, haste,
And bring with thee thy daughters, ever chaste,
Health, Liberty, and Wisdom! sisters bright,
Whose charms can make the worst condition light;

Beneath

Beneath the hardest fate the mind can cheer,
Can heal affliction, and disarm despair;
In chains, in torments, pleasure can bequeath,
And dress in smiles the tyrant hour of death.

In another specimen of his poetical talents, which appeared about the same period and was addressed to one of the most accomplished and beautiful women of the age, he touches his foibles with exquisite vivacity, and describes with great refinement and delicacy the sensations produced in his mind by the contemplation of female excellence and charms.

VERSES TO MRS. CREWE.

Where the loveliest expression to features is join'd,
By Nature's most delicate pencil design'd;
Where blushes unbidden, and smiles without art,
Speak the softness and feeling that dwell in the heart;
Where, in manners inchanting, no blemish we trace,
But the soul keeps the promise we had from the face;
Sure, philosophy, reason, and coldness, must prove
Defences unequal to shield us from love:
Then tell me, mysterious inchanter! O tell,
By what wonderful art, by what magical spell,
My heart is so fenc'd, that for once I am wise,
And gaze without rapture on Amoret's eyes;
That my wishes, which never were bounded before,
Are here bounded by friendship, and ask for no more.
Is't reason? no: that my whole life will belie,
For who so at variance as reason and I?

Is't

Is't ambition that fills up each chink of my heart,
Nor allows any softer sensation a part?
Oh, no! for in this all the world must agree,
One folly was never sufficient for me.
Is my mind on distress too intensely employ'd,
Or by pleasure relax'd, by variety cloy'd?
For, alike in this only, enjoyment and pain
Both slacken the springs of those nerves which they strain.
That I've felt each reverse that from fortune can flow,
That I've tasted each bliss that the happiest know,
Has still been the whimsical fate of my life,
Where anguish and joy have been ever at strife.
But, tho' vers'd in th' extremes both of pleasure and pain,
I am still but too ready to feel them again:
If then, for this once in my life, I am free,
And escape from a snare might catch wiser than me,
'Tis, that beauty alone but imperfectly charms,
For though brightness may dazzle, 'tis kindness that warms.
As on suns in the winter with pleasure we gaze,
But feel not their warmth, though their splendour we praise;
So beauty our just admiration may claim,
But love, and love only, our hearts can enflame.

The private failings of Mr. Fox, which, it must be confessed, he never shewed any anxiety to conceal, and which were assiduously magnified by his opponents, operated in some degree as a bar to his political advancement, and caused the opinion of the public to hesitate for some time between admiration of his talents and mistrust of his principles. A celebrated divine (Dr. Price), in a fast sermon preached in 1779, made the following reflections, which were universally applied to Mr. Fox, though denied, in a note,

a note, by the reverend author to have any intended personal meaning.—"Can you imagine," asked the political theologian, "that a spendthrift in his own concerns will make an œconomist in managing the concerns of others? that a wild gamester will take due care of the stake of a kingdom? —Treachery, venality, and corruption, must be the effects of dissipation, voluptuousness, and impiety. These sap the foundations of virtue. They render men necessitous and supple, and ready, at any time, to sacrifice their consciences, or to fly to a court, in order to repair a shattered fortune and procure supplies for prodigality."—These imputations, which contained the sum and substance of all the charges brought against Mr. Fox by the most uncandid and violent of his adversaries, were thus completely and satisfactorily refuted by his friends:—His powers, they maintained, were too great and active to continue long unemployed. Whoever has attended minutely to the nature of man must be sensible, that the stronger our intellectual faculties are, exercise is the more desirable, and that, in most characters, genius and ambition are so strictly proportionate as in many cases to become almost synonimous terms. There is therefore a stimulus, a principle of activity or restlessness, in original and transcendent minds, of which those formed on an inferior scale have no adequate conception. And, perhaps, it is owing chiefly to the direction received from habit, authority, or example, that this disposition terminates in the greatest worth or the greatest wickedness. Extremes, so dangerous to ordinary, are the native elements of sublime, capacities. Had not the love of play, with which his enemies so loudly upbraided him, early arrested the vigorous and sanguine capacity of Mr. Fox, who can calculate into what other less honourable excesses his own passions, the seductions of profligate associates, or accidental temptations, might have plunged him. But admitting his culpability on this head, in its fullest latitude, was it not fair to

ask, what public business he had neglected, what public virtue deserted, of what public principle belied? Did that amiable and respectable body of men with whom he acted, complain in a single instance of his temper, inattention, dissipation, or obstinacy? With what obligations of politics, friendship, or morality, did his foibles once interfere? Was his extravagance or folly ever known to produce personal inconvenience to any other individual than himself? No member, confessedly, ever attended with more scrupulous punctuality his parliamentary duty; none came more fully prepared to meet it under every aspect. His engagements to his constituents and his country were kept with inviolable fidelity. His eminent abilities and patriotic virtues might perhaps have been more extensively useful, but for the defects which undoubtedly entered into his character. Still, was it more the duty of the public to be grateful for the benefits they reaped from his services, than censorious for the want of those advantages which an undivided application of his talents might have procured for them. His faults were pardonable exuberances, sanctioned by fashion and the manners of the age; and, notwithstanding all the inquietudes and distractions they brought on himself, occasioned no relaxation of his public efforts for the service of his country.

On the meeting of the new parliament on the 31st of October 1780, Mr. Fox opposed the ministerial nomination of Mr. Cornwall for speaker, and strenuously urged the pretensions of sir Fletcher Norton to be continued in that honourable office. He accused administration, in very pointed language,

language, with having made it a part of their system, during their continuance in office, to disgrace every dignified character in the kingdom, and especially to insult and vilify those men whose conduct had been most approved by the house of commons and the nation at large. Admiral Kepple had been an instance of this, and a new instance was afforded by the present treatment of the late speaker. It seemed as if the ignominious business of that day was to extinguish those sparks of independence, which the virtuous delight to cherish, and to degrade that rectitude which had a just claim to honours and rewards. Unfortunately for the nation, the present example of dismissing from employment a virtuous individual of high rank, merely because he had uttered his sentiments and given his vote in obedience to the dictates of his conscience, was not a novelty. The marquis of Carmarthen and the earl of Pembroke * had been divested of their offices for the same reason. The conduct of the ministry was equally absurd and unjustifiable. The noble lord (lord George Germain), who made the motion, had filled his speech with empty compliments of sir Fletcher Norton; and after asserting that he was the ablest man the house could choose to sit in the chair, had concluded his address with moving that another gentleman might be elected to fill it. The honourable gentleman (Mr. Welbore Ellis) who seconded the motion, had recommended it to the gentleman moved for, as sir Fletcher Norton's successor, to copy his example; telling him, in the most plain, positive, and direct terms, that his chance of making a good speaker rested on his following the model of sir Fletcher Norton. But would any men, except

* The first of these noblemen was dismissed from the lord lieutenancy of the east riding of the county of York, the latter from that of Wiltshire, which had been in his family from the first institution of the office of lord lieutenant, for voting against ministers.

the present ministers, refuse an excellent original, which it was in their power to possess, and fix their choice upon a copy, on a supposition that it might not prove much unequal to the finished workmanship of the master? The true reason which actuated administration in the present measure was, however, sufficiently apparent; the gentleman whom they proposed as a new speaker was one of those who had voted in the last parliament in opposition to the sense of the majority of the house, that the influence of the crown had not increased, that it was not increasing, and that it ought not to be diminished. This was his recommendation: whilst the ministry were desirous of removing sir Fletcher Norton, because he had executed the office of speaker with impartiality, had performed his duty to the house and to the nation, in his address to his majesty, on the commons granting him a great augmentation of his revenue, and had voted, agreeably to truth and to the dictates of his conscience, "that the influence of the crown had increased, was increasing, and ought to be diminished." These were his crimes, and these were crimes not to be forgiven. He hoped the house, in a matter so essentially concerning their own character and privileges, would not suffer themselves to be dictated to by ministers; and, as the health of sir Fletcher Norton was apparently very good, it would be sufficiently early to talk of a successor to him, whenever unhappily for his family and the public, the state of his health should require a retirement from the fatigues of public business.

His majesty's speech at the opening of parliament necessarily brought the state of the nation under the consideration of the house. When the address, as usual an echo of the speech, had been moved, and an amendment proposed by opposition, Mr. Fox rose to support the latter, and began by observing, that the speech from the throne had not brought any tidings

tidings of consolation, or enlivened the gloominess of the political horizon, even by distant views of an amendment in that reproachful plan of measures so stubbornly adhered to by the servants of the crown. It seemed to him to be the height of ridicule and a premeditated insult on the feelings of the people, when it was declared in the speech, "that the late elections had afforded his majesty an opportunity of receiving the most certain information of their wishes." Did this extraordinary idea arise from the remembrance of the sudden dissolution of the last parliament, the season at which it had been permitted to take place, and the unworthy artifices which had been employed to bias the constituents in their choice of repre-entatives. He hoped the day might come when the house would thoroughly investigate this criminal proceeding, and drag forward to the public indignation the ministers from whom it had originated. It was an act committed by stealth, that astonished and alarmed the multitude, although it made no great impression upon him, who, having turned his eyes, for a preceding length of time, to every operation of the officers of the state, could fathom all their views, and easily foretel that a general election would start up, when neither the constituents nor the candidates were sufficiently prepared to frustrate the insidious designs of government; when many voters were employed to gather in the harvest; when the encampments yet remained, and when gentlemen bearing commissions in the militia, and absent on the service, were removed to a distance from those places, in the faithful representation of which they had opposed and censured the ruinous and disgraceful management of public affairs. Thus, from an unwillingness to gratify the wishes of the people, and from a total disregard to the maintenance of tranquillity within the island, the ministers had even laboured to render the rapid modes of dissolving one parliament and of chusing another, hostile to the privileges of the subject and to the

spirit

spirit of the constitution. The officers of the crown, he farther remarked, were amenable to public inquiry for their presumptuous and alarming violation of the principles of the constitution, when they commanded the military, in every part of England, even in towns where the riots had either subsided, or never broken out, to act discretionally; without waiting for the intervention of the civil magistrate. This guilt, so daring in its nature, was highly aggravated by their adherence to the perpetration of it, until all the popular elections were concluded: for, previous to that period, the orders were not withdrawn.

It had been said, continued Mr. Fox, that expressions of despondency, at the present period, were very unworthy of Englishmen, whatever might be the dangers of the state: and he admitted, that no passion could be more odious and unnatural to the gallant temper of an Englishman than despair. But at the present moment of embarrassment and distress, when the brightest jewel was torn from the royal diadem, when America was dissevered from the British empire never to be reunited; when a spirit of revolt appeared waiting only for an opportunity to blaze out, in those disgusted territories that yet remained; at such a time, to approach the throne with congratulatory addresses, was not loyalty, but cruel mockery and insult. Was it despair, to persist in offering to the consideration of the house such sentiments and advice as the exigencies of the moment might obviously suggest; to investigate our real force by a comparison with that which was exerted to oppose it; and to deliberate on the policy of prosecuting those enterprizes, from which little prospect of advantage appeared, and which might involve the state in misery and destruction?

In the address which was proposed, Mr. Fox remarked, that the blessings

blessings of his majesty's reign were to be recognized; but in this he could not concur, as he was not acquainted with those blessings. The present reign had been one continued series of disgrace, misfortune, and calamity. It had also been asked, whether honourable mention ought not to be made of the late successes in America, and of the gallant officers by whom they had been obtained? To this he should answer, that he would not thank his own brother *, who was now serving in America, for any success he might obtain: and as long as he lived, he never would join in a vote of thanks to any officer, whose laurels were gathered in the American war. His reason was, that he hated and detested the war; and that he regarded it as the fountain head of all the mischief and of all the calamities, under which the country now laboured. Much had been said of the efforts which had been made by this country during the course of the present war; and it was asserted that we had astonished all Europe by our exertions. This he should not controvert; but should only observe, that the violent efforts of Great Britain resembled the ungovernable fury of a lunatic, who, aiming at impossibilities, exceeds, for a moment, in force the well-directed struggles of individuals possessed of understanding. The latter might persevere and conquer. The former, enfeebled by exertions, becomes at length the victim of his own phrenzy. Mr. Fox farther added, that notwithstanding the advantages which had been gained in America, he was well convinced that the ministerial prospects of success would ultimately close with the delusion and disappointment they merited. He was therefore against the address, and should support the amendment.

* The honourable general **Edward Fox**, at present commander in chief of the British forces in the Mediterranean.

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A few days after the delivery of this speech, Mr. Fox received an affecting proof of the kindness and good opinion of his new constituents. His conduct at the opening of the session, and on the motion for an address, had exceeded their most sanguine expectations; and they thought it became them, as friends of liberty and the constitution, to adopt some mode of testifying their approbation of a conduct so spirited and meritorious. Accordingly, the Westminster committee of association, at a meeting held at the King's Arms tavern, Palace Yard, on the 10th of November 1780, adopted the following resolutions, declaratory of their attachment and respect to Mr. Fox, which were immediately published in the newspapers.

" Resolved, That the thanks of this committee be given to the honourable Charles James Fox, for his conduct in the house of commons on Monday last, on which day, with a firmness becoming the representative of a free people, he exposed the pernicious principles and destructive measures of an abandoned administration, and afforded the fullest evidence to his constituents, that neither the temptations of men in power, nor apprehensions of their treatment, could cause him to deviate from that line of parliamentary conduct which he had hitherto pursued with so much honour, or induce him to desert the cause of the people.

Resolved, As it is reasonable and just, that public approbation and support should be afforded to those men who defend the public cause, that Mr. Fox, by his conduct on that day, hath further endeared himself to his constituents, and, in the strongest manner, interested the inhabitants of this city and liberties in his welfare.

" Resolved,

" Resolved, That this committee, being sensible that the firm, constant, and intrepid performance of his duty, will probably render him, in common with other distinguished friends of liberty, the object of such attacks as he has already experienced, and to which every unprincipled partizan of power is invited by the certainty of a reward, most earnestly exhort the inhabitants of Westminster to do their utmost, by every legal measure, to preserve, to the great body of citizens by whom he has been elected, and to his country, the benefit of his services, and the inviolable security of his person.

" Resolved, That this committee do adjourn to this day sevennight, at eleven o'clock in the forenoon.

(Signed) " JOHN CHURCHILL, Chairman."

The third of these resolutions, which obviously pointed to Mr. Adam, the former antagonist of Mr. Fox, excited a strong degree of resentment in the mind of that gentleman, and induced him to call the attention of the house of commons to the subject. He reprobated the proceedings of the Westminster committee as vindictive and injurious to his character; and, in the vein of irony, congratulated Mr. Fox on the exclusive privilege with which they had invested him, of dealing out what personal abuse he should please. He was far, however, he said, from thinking Mr. Fox capable of taking advantage of any thing his popularity might afford him not consistent with the strictest honour; but he could not refrain from wishing him joy of the inviolable security given to his person. It was an instance of extraordinary attention in his constituents and countrymen. It had no precedent, except in the remote ages of antiquity. Pisistratus, the Athenian, had a body guard, appointed by the people of Athens for

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the security of his person, and by their means he ultimately overturned the liberties of his country. He would therefore hail Mr. Fox—Pisistratus the second. He would hail him king of Westminster; but, at the same time, he was at a loss, whether most to rejoice with him, or condole with his country, on account of those internal feuds and animosities which originated in committees and associations. It was at the same time not a little hard, that the partizans of Mr. Fox could not be satisfied with doing him homage without insulting others. This, he knew, must depreciate their complimentary address in the view even of the honourable gentleman himself, whose merits were of too transcendent a quality to depend on the demerit of any other individual whatever.

The slander intimated against him in one of the resolutions of the committee, to which he had referred, imputed his conduct, on a former occasion, to motives which, he trusted in God, he should ever hold in the greatest abhorrence. He had then thought his character, which was dearer to him than life, at stake; and, though he had felt for dear and faithful relations, for an amiable wife, an infant son, and other near and valuable connections; though their tender and interesting attentions and fidelity constituted his supreme happiness on earth; these, with every other thing of consequence, he had been forced to hazard for the sake of a reputation which he had thought attacked, and which he should deserve no longer than he was willing and ready, at every risque, to vindicate. Could any thing, therefore, short of the most inordinate malice, exhibit him as acting from mercenary views in such a predicament? Principles, by which could he then have been actuated, he must have been more mean, more depraved, baser than the basest of mankind.

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The attention of the house was now very naturally turned on Mr. Fox, who, as soon as Mr. Adam had concluded his harangue, immediately rose, and, in an eloquent and masterly speech, vindicated himself and his constituents from the charges thrown out against them by that gentleman.

" The honourable gentleman," said he, " who feels himself so extremely sore at the resolutions of the Westminster committee, which he has now read to the house, has uttered various expressions of personality, on which it is not my intention to make any animadversions. I must assure him, however, as well as the house, that upon my honour, I was not present at the drawing up of that advertisement, nor was it published either by my consent or with my knowledge. Had I not been absent, all the persuasion I am master of should have been exerted in preventing the committee from coming to any such decision. Though this resolution evidently originates in a zeal and affection peculiarly honourable to me, it is, notwithstanding, in my opinion, imprudent and impolitic. For this I appeal to my honourable friend colonel Fitzpatrick, who knows what sentiments I uttered on first seeing it in a public paper. It struck me, at once, to what misconstructions it was liable; and the event has sufficiently verified my apprehensions.

" The honourable gentleman has treated me with abundance of ridicule. This, however, is a matter of perfect indifference to me. The gentlemen who formed the committee are great and respectable characters, who, I doubt not, have well weighed every word used in the resolution, considered its import fully, and are prepared to justify whatever they have done with their honour and their reputation.

" But, after all that has been said, what is this very obnoxious resolution which has been reprobated with so much warmth? Is it any thing more than a mere form of words, flowing from the good opinion which the Westminster committee are pleased to entertain of me? but which, seriously and duly considered, conveys no personal charge against any man, much less do the words by which it is expressed, warrant any angry or resentful comments.

" I must own, too, I do not clearly understand how the house can treat a matter, introduced in a manner so very extraordinary by the honourable gentleman, without making it the subject of any motion or resolution whatever. Had he thought himself warranted to treat the advertisement seriously, why did he not complain of it as a breach of privilege? This was the regular mode of proceeding; and I am ready to meet him on that ground, and defend the conduct of the committee. If he chuses to make it the subject of another sort of process, in the courts below, he will find the gentlemen, who compose that committee, themselves not less prepared to defend the legality of their proceedings.

" He has employed much of his wit to render me ridiculous, and to disparage my conduct by an absurd comparison of my character with that of Pisistratus. But in what particular have I ever shewn a desire to obtain illegal honours? God knows! the public have never offered me any pageantry of state, which, under the most treasonable direction, could in the least affect their welfare. Have I ever attempted to set myself above the laws of my country, or solicited any other honours than those I am competent to receive? The honourable gentleman, after flourishing much about body guards, and other matters of no greater consequence, talks of the

the Westminster committee's intention of constituting me king of Westminster. A sarcasm so foolish and idle deserves no other attention than that contempt which is the inseparable concomitant of nonsense. But I will tell the honourable gentleman, the Westminster committee, as well as the whole body of inhabitants who occupy this respectable city, wish for no other king than the king now upon the throne. They love that king with sincerity, and revere the constitution by which he reigns. And it is out of a fond, perhaps a foolish, partiality for me, and because they rashly think me, in some degree, qualified to support that king and that constitution, that they have called me to be their representative in parliament in a manner not less to their honour than to mine. It is probably from a weak and ill-grounded opinion of my abilities that the electors of the city of Westminster preferred me to a court candidate supported by all the interest of the crown. And it is my duty, in return, to render my conduct an example of the most perfect and sincere gratitude. But can it be warrantably advanced, that, from this circumstance, I am imitating Pisistratus, or, by the countenance of the people, endeavouring to destroy their liberties? The electors of Westminster are pleased to think well of my efforts in parliament, and their good opinion naturally shews itself in acts of the most cordial affection and regard. Lost, almost, as the public cause seems to be, they are glad to find the representative of Westminster among the number of those true friends to liberty who best serve their country, and have determined to stand in the breach, and to resist the torrent of corruption which threatens to overwhelm whatever is yet valuable to the community in one general ruin. In order to accomplish this purpose, we have sacrificed our interests, our ambition, our views of emolument, and whatever else can gratify the mind of man or fall within the wish of human pride or human vanity. Let not, then, gentlemen, on whom places, pensions, titles,

titles, and rewards of every kind, are profusely heaped, grudge me or others the poor paltry comfort of a little popular applause. Let them not complain that the people hold my efforts to serve my country in some small degree of estimation; and though, in the warmth of their zeal and affection, they may accidentally use a phraseology which on any other occasion might not be culpable, impute it rather to their fervour of friendship than to my artifice. Were I naturally anxious after those obnoxious honours, opportunities have offered which I could not have neglected. In the time of the tumults, when it was hard to say whether government were most impotent or the people most frantic, did I utter a word or say a syllable in support of the protestant association? On the contrary, I firmly opposed it, and was among the first to reprobate and censure those lawless proceedings, which began by insulting the legislature, and did not end until the public prisons, and private property to an immense amount, were involved in one dreadful conflagration. When a measure * was in agitation, which was particularly the object of opposition from those whom, at that time, it was well known I wished to become my constituents, did I, with a view to court their approbation, meanly resign my opinion, or slavishly adopt theirs who have since chosen me their representative? Was it not notorious to every gentleman present who sat in the last parliament, that I stood up in my place, and firmly supported my sentiments; declaring, at the same time, that I trusted it would be a proof to the electors, that, in chusing me, they would send a representative to parliament who was at least sincere, and determined at all times and at all hazards to speak his real opinion? Are the open, undisguised, and unsolicited caresses of a brave and spirited people, objects, after all, which even that honourable

* Lord Beauchamp's bill for the relief of insolvent debtors.

gentleman

gentleman can despise? It is one thing to deserve the plaudits of our fellow-citizens, and another to take advantage of popular outrage, and meanly court their praise by pampering their wishes. The one is an object of ambition which I am not ashamed to pursue. My conduct, in a great variety of instances, offers the fullest proof that I scorn to stoop to the other. It is no wonder, however, that ministers and the abettors of ministers, find themselves hurt on the occasion. They are no longer able to resist that popular torrent which threatens their downfall. They see the tide accumulating, and are only vexed and irritated that the means of escape are no longer within their reach. They could not now, as formerly, either imagine or assert, that the aggregate body of the people was on their side. The city of Westminster and the county of Surry have, at last, fairly convinced them, that their interest with the people is for ever at an end.

"Much offence is taken with my style of debate. I have never copied, nor ever will copy, any other standard than what is suggested to my feelings from the nature, circumstances, and occasion, of the subject in question. I own myself bound, as well from politeness as decency, to abstain from whatever can be candidly interpreted into a personality. But I never will consider the allusions I may be led to make to men in public situations, as coming under such a description. I appeal to the speaker, who is competent to determine, whether I have been more than commonly guilty of a charge thus confidently imputed to my conduct. I have doubtless been hurried, as others often are, by occasional warmth, into many expressions and phrases, which, on cool and mature reflection, I will not attempt to justify. But attacks on men, appointed to stations for which they are notoriously inadequate, are not to be viewed in this obnoxious light.

light. Ministers ought not to prefer their friends to the public utility; nor ought their friends to accept of preferment under any such predicament. This observation I mention on purpose to obviate an exception that may possibly be made to my conduct, should I be forced to advert to the character of a person [sir Hugh Palliser], who, if report may be credited, and there can be found constituents sufficiently abandoned, and lost to all sense of honour, to chuse him for their representative, is shortly to come among us. The person to whom I allude, has been convicted, by one court martial, of having preferred a false and malicious accusation against his superior officer; and tried for his conduct by another court martial, who acquitted him neither honourably nor unanimously. These trials are matters of public notoriety, and fit subjects of parliamentary allusion and free discussion. To these I shall have occasion to refer, in my animadversion on the conduct of government, whenever the supply for the support of the navy comes under debate. Nor had that gentleman, or any other honourable gentleman, the least right to complain of personal insult, since their own behaviour had rendered it impossible to speak of public affairs without referring to them. Were I to prefer an indictment, accusing any one of a crime, none surely but the most wrong-headed man in the world would deem the hard words, which constitute the technical phraseology of the charge stated against him, so many affronts to him as a gentleman;—the case of my treating on any public topic, in which individuals are concerned, in this house, is precisely of a similar nature. And without freedom of speech there can be no discussion.

" I own I was not a little surprised to hear the honourable gentleman congratulate me on my having, in consequence of the Westminster committee resolution, an exclusive privilege of speaking personalities in this house.

house. It is an imputation I have already denied, and am prepared to challenge any man, who dares assert it, to produce his proof. Had I indulged myself with entering into a dissertation on œconomy, and the well-ordered system of my private affairs, or talked of my ancestry, and alluded to my domestic habits and virtues, and pointed these important particulars at any individual gentleman, I should suppose I might then, with reason and propriety, have been accused of dealing in personalities. But surely so long as I confine myself to public matters only, I do not think the house will agree in thinking that the character of being fond of personalities belongs exclusively to me."

The declaration of war against Holland, early in 1781, seemed to fill up the measure of evils which the impolitic system of his majesty's government had brought on the nation. When the subject was discussed in parliament, Mr. Fox contended, that all the calamities which had befallen the country, had originated in a departure from those wise principles of government which our ancestors had so gloriously and happily pursued. Had the true whig principles prevailed, as they did in the days of king William and queen Anne, at least in the first part of her reign, and in the two subsequent reigns, America, he said, would have been fighting by the side of Great Britain; or rather, the liberties of America not having been invaded, the occasion of all the quarrels that arose out of our unhappy contention with the colonies would have been prevented. But the interest of the prince, that is, of administration, he affirmed, was now conceived to be different from that of the people; the honour of the crown was to be maintained at the expense of the people; and provided they governed, the condition of those who obeyed was a matter of indifference. The reign of

Charles II. had been called an infamous reign; but not one of the Stuarts had done so much mischief to the country as the present ministry.

Mr. Fox then proceeded to draw a parallel between the empress of Russia and his present majesty, who, he said, had ascended the thrones of their respective empires nearly about the same time. How great was the difference in the two reigns! Great Britain had declined with a suddenness equal to the rapidity with which Russia had risen to her present eminence. It was not want of capacity with which he charged administration; they had capacity; but it was all exhausted, not in foreign politics, which it was the business of rulers to attend to, but in managing that house, and in other similar transactions, wherein their own interest was the only point concerned. The war with Holland, an event peculiarly to be deprecated, contending as the nation was against the combined forces of the house of Bourbon, he considered as entirely the result of the misconduct of the ministry; and if they had been removed before, when their demerits became sufficiently apparent, he firmly believed that event would not have taken place.

On the 12th of June, Mr. Fox brought forward a motion, the object of which was, "That the house should resolve itself into a committee, to consider of the American war." He particularly urged, as a strong reason for entering at that time into an inquiry on the subject, that it was evident, from the very circumstances which attended our victories over the Americans, that the final subjugation of them was impracticable. It appeared, he said, by the recent despatches which had arrived from America, that though lord Cornwallis had done every thing he proposed, by penetrating into

into North Carolina; though he had been fortunate enough to come up with general Greene, had engaged, and defeated him, he had not found one good consequence result from his success, not being joined by any body of Americans, as he expected, nor even retaining the ground upon which he had conquered. It was therefore manifest, that the war in which we were engaged was at once impracticable in its object, and ruinous in its progress. If his motion for resolving the house into a committee should be adopted, it was his intention, he said, to follow it with another motion, that it should be resolved, "That his majesty's ministers ought immediately to take every possible measure for concluding peace with our American colonies."

Mr. Pitt, afterwards the great political rival of Mr. Fox, who had recently obtained a seat in the house of commons, and distinguished himself by his eloquent and manly support of those principles which had justly rendered the name of his illustrious father dear to the patriotic part of the nation, supported the motion in a speech of uncommon animation and brilliancy. Expressing himself with all the frankness, sincerity, and warmth of youth, he declared, in the most indignant and unqualified terms, his abhorrence of the cruelty and injustice of the American war. It was conceived, he said, in injustice; it was nurtured and brought forth in folly; and its footsteps were marked with blood, slaughter, persecution, and devastation. Every thing that went to constitute moral depravity or human turpitude was to be found in its horrid train. It was pregnant with every kind of mischief; but, while it meditated destruction to the miserable people who were the devoted objects of the black resentment which produced it, the mischiefs recoiled on the unhappy people of this country, who were made the instruments to effect the wicked purposes of its authors. The nation was drained of its best blood, and of its vital re-

sources of men and money. The expense was enormous, much beyond the experience of any former hostilities, and nothing was received in return but a series of ineffective victories, or severe defeats; victories only celebrated by temporary triumphs over our brethren, struggling in the holy cause of liberty; or defeats, which filled the land with mourning for the loss of dear and valuable relations, slain in the impious cause of enforcing unconditional submission on the inhabitants of a free country. Thus eloquently did Mr. Pitt, while yet unseduced by the sweets of power, vindicate the rights of humanity, and stand forth the liberal advocate of the violated freedom of America. On the same occasion, Mr. Pratt, the present earl Camden, then a young member of the house of commons, made his first parliamentary essay in support of the motion, and, in a speech of considerable promise, expressed his full conviction of the pernicious tendency of the American war, and of the total impracticability of succeeding in the iniquitous design of subjugating the colonies. But the war was still too favourite an object with the crown to be relinquished, and the majority of the house were not yet convinced of its iniquity and folly. The motion was consequently rejected by a majority of 172 to 99.

In the course of the session Mr. Fox brought forward a bill for the amendment of the marriage act. By Mr. Fox's bill the necessity of publishing banns, or of having a licence, was taken away, when the parties were arrived at the age of eighteen in the male sex, and sixteen in the female; and no marriage was to be declared null, in or by any suit at law, after the parties had cohabited together as man and wife for one year. Mr. Fox supported his bill by a variety of cogent arguments. He painted the marriage act in the most odious colours, as a direct violation of the laws of God and Nature, as an act of despotism to which the powers of

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parliament could not constitutionally extend, as a source of private depopulation and vice, inefficacious as to the selfish contracted benefit meant to be derived from it, but ruinous as to the happiness of those who were the strength of every country, and whom it was the duty of every legislature to protect, the lower orders of the community. It originated, he said, in the sordid and mistaken principles of a few noble families, who, to gratify their avarice, pride, or ambition, framed restrictions oppressive to the people. They had been disappointed; for whoever could afford to pay the expense of a post chaise to Scotland, laughed at the provisions of the marriage act; while the poor, unable to avail themselves of that evasion, were either inhumanly crossed in their inclinations, or plunged into the abyss of vice.

He reprobated the idea of establishing an unnatural authority in the parent, because his reason and experience were greater than those he was to govern; for this was the universal plea of despotism, public as well as private; thus was every system of tyranny defended, by urging, that it was better for the ignorant to be governed by the wise, than permit them to govern themselves. But the position was false and absurd. The most inexperienced and illiterate were more competent to know what constituted their own happiness, than any other mortal could possibly be; and where the passions were concerned, the heart of youth was wiser than the hoary head of age. Here he most pathetically described the different situations of youth, checked in the inclinations of their hearts, or indulging them contrary to prudence. In the latter case he shewed marriage to be the source of industry, and the first errour very frequently retrieved: in the former, he traced passion turning backwards into channels of vice; every finer feeling of the heart eradicated; and intemperance, the refuge of disappointed

disappointed love, leading to the last stages of depravity. He maintained, with Swift, that there are two passions in the human heart designed by Nature to be stronger than reason, viz. the love of life, and the mutual desire subsisting between the sexes. That these should not be circumscribed by the frigid rules of prudence, he contended, was absolutely necessary for the preservation of our species; consequently to restrain them by human laws was counteracting and repealing the law of Heaven itself. Population never proceeded from reason, but from passion; for was a computation to be always made of the profit and loss likely to accrue from marriage, as the rule of our choice, few marriages would ever be made: but it was the triumph of passion to subdue every prudential feeling, and in consequence we often find the wisest men, in the affair of marriage, set reason out of the question.

He then divided his objections against the marriage act into two parts; one relative to the age limited therein, as years of discretion, which he thought far too late in life; and the other, respecting the penalty annexed to informal marriages, that of declaring them void, a principle against which he strongly contended as a disgrace to our statute book, and one of the most inhuman that had ever been conceived.

On this occasion Mr. Fox had the satisfaction to find, that the sentiments of the majority of the house of commons were in unison with his own. The bill received little opposition, and was carried by a large majority: but in the house of lords, where the marriage act had originated, it had stronger prejudices to encounter, and in the end was rejected; not, however, without receiving the high commendations of several liberal minded and enlightened peers.

Previous to the ensuing session of parliament, which met on the 27th of November 1781, government received the mortifying intelligence, that the royal army in Virginia, under the command of earl Cornwallis, had been obliged to surrender prisoners of war. This event convinced the sober and reflecting part of the nation of the utter impracticability of prosecuting the war in America with any prospect of success, and served to cure many, who had been most sanguine in their hopes of colonial subjugation, of that mad and extravagant delusion. Ministers, and their corrupt adherents in parliament, alone continued blind and infatuated. Uncorrected by the fatal experience of the past, and obstinately perverse, in spite of all the accumulated calamities and disgrace that attended their measures, they determined to persevere in the contest. His majesty, in his speech from the throne, after deploring the events of the war, which he acknowledged had been very unfortunate to his arms in Virginia, having ended in the loss of his forces in that province, added, that the misfortune in that quarter called loudly for the firm concurrence and assistance of parliament, in order to frustrate the designs of their enemies, which, he affirmed, were equally prejudicial to the real interests of America, and to those of Great Britain.

The mover and seconder of the address, which, as usual, was couched in nearly the terms of the speech, having strongly contended for the necessity of a vigorous prosecution of the war, Mr. Fox rose to move an amendment to the address.

There never was a time, he said, so necessary as the present, to observe, that the speech from the throne was to be considered not as the speech of the king, but of the minister. He had expected, and it had been the general

general expectation of many others, that the speech would have held a very different tone; that they should have heard his majesty declare from the throne, "that he had been deceived and imposed upon by misinformation and misrepresentation; that, in consequence of his delusion, the parliament had been deluded, but now the delusion was at an end. He saw that he had been in an errour, and that he and his people had suffered enough from the consequences of it; and therefore he requested his parliament to devise the most speedy and direct means of putting an end to the public calamities, and of restoring peace, security, and happiness to his dominions." Instead of a speech of this moderate and conciliating nature, so suitable to the circumstances of the nation, they had heard one which breathed little else than rancour, vengeance, misery, and bloodshed. Those who were ignorant of the personal character of the monarch, and who imagined that this speech originated from himself, might be led to suppose that he was an unfeeling despot, rejoicing in the horrid sacrifice of the liberty and existence of his subjects. The speech, upon a fair construction, might be understood to convey this meaning: "Our losses have been singularly calamitous. The blood of my subjects has flowed in copious and unavailing streams. The treasures of the country have been thrown away; and the weight of taxes imposed, with such a heavy hand, upon an overburthened and sinking people, is grown at length almost intolerable. Yet I will tax you to the last shilling. When all hope of victory is fled for ever, and the operations of the war must accelerate the ruin of the empire, I will forbid you to think of peace; for my thirst of conquest is not quenched; my revenge is unsated; and nothing short of the total subjugation of my opponents is capable of appeasing it." When all ranks of people imagined that their benign monarch would have cheered them with the glad tidings of a determination to seek for peace, and have confessed that

that the prospect of succeeding in the present mode of carrying on the war was vanished for ever, how great must be their astonishment and concern to find, that we must pursue it at all events, nor be allowed to rest until we have totally lost the power of contending with the forces that have combined against us.

Mr. Fox then proceeded to make some severe animadversions on the conduct of ministers, which were recollected and brought forward much to his disadvantage, when, at a future period, he formed a coalition with some of the very ministers whose demerits he at this time so violently impeached. Some allowance, however, should be made for the warmth of debate. If ministers, he proceeded, were entitled to any recompense for their services, they ought to receive it from France, whose battles they might be considered as having fought, and to whose aggrandizement they had more largely contributed than all her boasted victories under the reign of Louis XIV. The present ministry had been notorious for their ignorance, their inactivity, their tameness, and their corruption. They had been the bane of this country, over the affairs of which they had been permitted too long to preside. But the time, continued he, would surely come, when an oppressed and irritated people would call for signal punishment on those whose pernicious councils had sunk the nation in almost irretrievable destruction. An indignant nation would surely, in the end, compel them to make some faint atonement for the magnitude of their offences on a public scaffold. Was it not evident that they had lost our valuable possessions in North America; and separated us, perhaps for ever, from those who were once our fellow subjects, and endeared to us by a variety of ties, now all consumed in the flames of an unnatural, frantic, and disastrous war? They had driven us to the point of losing our settlements in the

West Indies, and shewed themselves incapable of succouring either Minorca or Gibraltar. They had destroyed our commerce, and rendered us a mark of scorn and ridicule to all the states of Europe. They had robbed us of the once undisputed sovereignty of the sea, an unrivalled power, in consequence of which we were at the same time envied, feared, and respected by surrounding nations.

On the subject of the surrender of earl Cornwallis, Mr. Fox remarked, that although that gallant commander merited the warmest encomiums, and deserved to be received with open arms by all parties, yet there existed, in another quarter, instances of neglect that called for the severest reprehension. Two years were just elapsed since a right honourable gentleman moved that our troops might be recalled from America, and foretold what has actually happened, that the colonists fighting by the side of the French would bear away the palm of victory from our soldiers. On the military merits of earl Cornwallis it was needless to expatiate. Yet it seemed natural to fear, that however loudly administration now sounded his praise, they would, in the end, assume the liberty of censuring his proceedings. For the sake of an intrepid officer, he thought it requisite to caution ministers, lest they should attempt hereafter to asperse his reputation. The shameful precedent was in the recollection of every one who heard him. When a brave commander [general Burgoyne] obtained a victory at Ticonderago, the ministers were at a loss for language to praise his gallantry and good conduct; but how soon afterwards did they vilify his character? It was observed by a right honourable gentleman [Mr. Rigby] in the last session, that if the capture of Charlestown produced no sensible effect, he should grow sick of the American war! This was the time to inquire what the capture of Charlestown had really produced.

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It had produced a victory over seven thousand men, the flower of the British troops, all becoming prisoners of war. It was natural then to expect that the right honourable gentleman would raise his voice against the continuance of this destructive war, since even our victories were nothing more than the forerunners of hopeless defeats. The victory at Camden led to the disgrace at Yorktown. The successes at Ticonderago were lost in the capitulation of Saratoga.

Mr. Fox was most pointedly severe on the conduct of the first lord of the admiralty [the earl of Sandwich]. To him, he said, might be ascribed the humiliating situation into which earl Cornwallis had been thrown. When cut off from the usual opportunity of re-embarking afforded to unsuccessful armies by British fleets, he had no alternative but either to perish on the spot, or surrender to a victorious enemy. The ocean had hitherto been considered as a place of sure protection to our land forces. But our once invincible dominion of the sea was extinguished. In America, as elsewhere, the British squadrons were inferior to those of France; and so covered with incapability and disgrace was the naval power of Great Britain, that administration had dared to represent it as meritorious, that our fleets had dexterously contrived to keep clear from giving battle to the enemy. At former periods her fleets, that covered the seas, were never found returning to port without the brilliant trophies of victory. Mr. Fox most distinctly acquitted our naval commanders in America of all blame, and said the whole was chargeable on the incapacity, negligence, or treachery of the first lord of the admiralty.

The mover and seconder of the address strongly recommended unanimity to the house. This Mr. Fox contended was a gross insult to the

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understanding and principles of the members of the opposition, who had, with equal rectitude and uniformity, endeavoured to defeat the baneful measures of administration. When they expatiated on the consequences that would inevitably result from the continuance of the war against America; when they truly prophesied that earl Cornwallis and his army would fall at length, in spite of their victory at Camden, an easy prey to the combined forces of America and France, the ministerial reply was, "let us be unanimous, and we may set our enemies at defiance." That delusion he trusted was now over. No member, Mr. Fox affirmed, was more anxious than himself for the prevalence of a spirited and irreproachable unanimity, but he should be sorry that it took place on any other than the fundamental principle of terminating the American war, and inflicting punishment upon the authors of it. Mr. Fox concluded with moving an amendment to the address, "That the commons would, without delay, apply themselves with united hearts to digest and propose such councils as might, in the present crisis, excite the efforts, point the arms, and, by a total change of system, command the confidence of all his majesty's subjects." After a long debate Mr. Fox's amendment was rejected by a majority of 218 to 129.

But however discouraging to the hopes of the opposition this commencement of the session might be, it by no means occasioned them to slacken in their efforts to procure a change of men and measures in his majesty's councils. Previous to the house going into a committee of supply, it was warmly contended by opposition that the commons ought not to grant any supplies to the crown, until some pledge was given, that those measures would no longer be persisted in, which had unhappily brought Great Britain into her present state of degradation. Mr. Fox asserted in the

the strongest terms the constitutional right of the people to withhold all succours whatsoever, unless the grievances which pressed so heavily on them were removed, and he contended that the period was arrived when it would be proper for the house of commons to exercise that right. He ridiculed the idea, that a temporary suspension of the grant of the supplies must strike with dangerous violence against the interests of the state, as too absurd to deserve a laboured refutation. It would suffice to ask, he said, whether the national misfortunes, which thickened over the course of the preceding year, could possibly have proved more numerous and affecting, if no money whatever had been granted for the service of the war? What benefits had accompanied the last year's enormous dissipation of the public treasure? If the present ministry should still retain their posts, what future triumphs could we expect? What advantages could result from any votes for troops, if the destination and employment of them were to be entrusted to the secretary of state for the American department? Could the noble lord [lord George Germain] who occupied that department, give any satisfactory assurance to the house, that the military forces which should hereafter be sent across the Atlantic, would be more successfully or more honourably employed than those that had already been sent thither? Did he wish to despatch a third army to America, that general Washington might receive them as prisoners of war? Did he wish that more British troops should be devoted, if not to slaughter, at least to sure captivity and indelible disgrace? Notwithstanding the defeat and dishonour which had attended the measures of administration, they had yet discovered no signs of humiliation or penitence. Instead of acknowledging that they turned their eyes, with inquietude and shame, upon the criminal expenditure of fruitless millions, they did not blush to move for an increase of grants, that they might prosecute, until ruin should

should stop their hideous career, hostilities which, were the result of barbarous ambition, of most implacable and unprovoked malevolence, of wishes to destroy the natural rights of mankind, of insuperable avarice, and of a contempt for all the principles of equity and honour. Not the least evidence of remorse, nor any token of amendment, could be gathered either from the words or from the actions of those in administration. They gloried in their crimes, and, scorning to retract, they solicited the house, at once, for means to nourish, to strengthen, and to extend them. It had been said, that since the revolution, no instance could be found of a refusal to grant the supply. The assertion was well grounded; but, he would ask, had there ever been a period like the present since the revolution? Had there ever been a reign so unfortunate? A change of circumstances required a change of conduct. Had there ever been a circumstance so paradoxical as a parliament resolving that the influence of the crown ought to be diminished, without being able to effect a diminution? A variety of circumstances now rendered it an act of absolute necessity, that the people, awakened to a sense of their injuries, should call with an united voice for the immediate and total restitution of their violated rights. It seemed an inauspicious omen, that the early periods of the present reign were marked by augmentations of the revenues of the crown; and whilst the internal expences of government stood forward upon the amplest scale, every exterior settlement of Great Britain was either weakened, diminished, or fallen into the hands of our enemies. Whilst the sovereign was much richer than any of his predecessors, his people were daily more and more the victims of accumulated poverty, and sunk under the redoubled load of taxes. In such a state of things, therefore, it was the duty of the national representatives to refuse any grants to the crown, until some evidence were given that a change of system and of conduct would be adopted.—On a division

division the motion for postponing the supply was rejected by a large majority.

Early after the Christmas recess, a series of motions were made by Mr. Fox for an inquiry, in the first instance, into the conduct of the first lord of the admiralty (the earl of Sandwich), and, in the next, for an address to his majesty, praying him to dismiss that nobleman from the royal councils for ever. Mr. Fox was supported in his motions by the naval characters of the greatest weight in the house, by admiral Keppel and lord Howe, and had nearly carried his last motion, the majority in favour of the first lord of the admiralty being only 19, in an exceeding full house, consisting of 453 members.

This was one of the last triumphs of lord North's administration. On the 22d of February general Conway made a motion, "That a humble address should be presented to his majesty, earnestly imploring his majesty to take into his royal consideration the many and great calamities that had befallen his people in consequence of the war; that he would be graciously pleased to listen to the humble prayer and advice of his faithful commons, and give directions to his ministers not to pursue any longer the impracticable object of reducing his majesty's revolted colonies, by force, to their allegiance, by a war on the continent of America; and to assure his majesty, that his faithful commons would cheerfully concur with him in such measures as might be thought necessary to accelerate the blessing of peace." This motion occasioned long and warm debates in the house of commons, in the course of which Mr. Fox particularly distinguished himself, and was, in the end, lost by a single vote, the numbers who voted against the motion being 194 to 193 who supported it. Encouraged by what

what could not but be considered as a victory over the ministers, Mr. Fox immediately gave notice, that the question respecting the farther prosecution of the American war would be brought before the house again, in another form, in the course of a few days.

Accordingly, on the 27th of the month, general Conway's motion was revived, under a somewhat different form, in order to meet the rules of the house, and was carried by a majority of 19. This may be considered as having given the final blow to the American war; but ministers lingered in office till the 19th of March, when, to prevent a vote of censure on their conduct, which was to have been made by the earl of Surrey, and, in the then temper of the house, would probably have been carried, lord North, in behalf of himself and his colleagues, declared, that his majesty had come to a full determination to change his servants, and that ministers only retained their places for the purpose of transacting the official business of the state, until other ministers were appointed to fill their situations.

It must be within the knowledge of all who are acquainted with the parliamentary history of this period, one of the most interesting in our annals, whether we consider the magnitude of the questions which divided the rival parties, or the equality of strength, or rather the dubious majorities, with which each alternately vindicated their separate opinions, that Mr. Fox's exertions were unrivalled in the house. In the contests alluded to, he seldom spoke in the early part of the debate, but reserved himself for the conclusion, to expose the fallacies of the venal adherents of the minister, or refute the objections brought forward against the arguments of his friends. This is usually reckoned one of the most difficult parts of oratory; and it would not be easy, without entering at greater length than the

the design of this work will permit, into the arguments of the ministerial speakers, to give a clear view of the eloquence, energy, and spirit, with which Mr. Fox refuted his opponents, and exposed their errours.

In the new ministerial arrangement, Mr. Fox, as might naturally be expected, was called to occupy a distinguished post. His splendid talents, his liberal principles, his comprehensive mind, but, above all, his unwearied exertions in the cause of the people, rendered him justly so popular, that any arrangement which could have taken place would have been regarded as incomplete, which did not include him in one of the most responsible offices of the state. Accordingly, on the 27th of March, he received the seals as secretary of state for the foreign department, and was sworn a member of the privy council.

The head of the new administration, or the prime minister, if we may so call him, though it may safely be affirmed that the office is unknown to the British constitution, was the marquis of Rockingham, a nobleman every way qualified to fill that high and arduous situation. The virtues of his private life were becoming his rank and means. Possessed of one of the most ample fortunes in the kingdom, he employed it liberally and munificently, and even impoverished his great estate by the exercise of an almost unbounded generosity of disposition. In public life the character of this eminent person was equally amiable and respectable. As a statesman his qualities were more solid and useful than brilliant. He was above all chicane or dissimulation, and carried into the cabinet with him, pure and unsullied, all those high principles of honour, rectitude, and disinterestedness, which so remarkably adorned his private conduct. He had before, in 1765, filled the same post to which he was now appointed, that of first

lord of the treasury, and during his administration, which was distinguished by the wise measure of the repeal of the stamp act, he displayed, to quote the elegant panegyric of Mr. Burke, whom he had the honour and good fortune to introduce into public life, "such sound principles, such an enlargement of mind, such clear and sagacious sense, and such unshaken fortitude, as to bind a most extensive and honourable party of men, by an inviolable attachment to him from that time forward." The seals of state for the home department were given to the earl of Shelburne, a nobleman of whom we shall have occasion to speak more at large hereafter. The other members of the new administration were composed of that description of individuals who usually make up the rank and file of a cabinet, and may be regarded, without injury to their characters, as the sleeping partners of the ministerial firm. But on the whole, it was almost universally felt and acknowledged, that the nation had not seen an administration of more flattering promise, or on which better hopes were built, since the period of his majesty's accession to the throne.

The first object of the new ministry was to endeavour to put an end to the calamities of war. The empress of Russia having offered her mediation between Great Britain and the United States, Mr. Fox, two days after his entrance into office, addressed the following letter to M. Simolin, the Russian minister in London, which is marked with all that manly simplicity, frankness, and good faith, which so eminently distinguish the whole of the diplomatic correspondence of this incomparable statesman.

"Sir, March 22, 1782.

"Having laid before his majesty an extract of the letter which you did me the honour, sir, of communicating from prince Gallitzin and Mons. de

de Marcoff, I have his majesty's commands to inform you, that the king, desirous of testifying his intention toward their high mightinesses, and of renewing that friendship which has been so unfortunately interrupted between old allies, who ought to be united in the bonds of mutual interest, is ready to enter into a negociation, for the purpose of setting on foot a treaty of peace, on the terms and conditions of that which was agreed to in 1674, between his majesty and the republic, and that the better to facilitate the execution of a plan which his majesty has so much at heart, the king is willing to give immediate orders for a suspension of hostilities, if, on their part, the lords the states general should think such a measure suitable to the object in view.

" I am commanded by his majesty to explain to you, sir, his sentiments on so important a subject, and desire you will impart the same to the ministers of her imperial majesty to their high mightinesses, that they may be conveyed without the least delay, to the ministers of the republic; being of opinion that it is the most convenient step, with the mediation and good offices of her imperial majesty, to put an end to the scourge of that war, which unfortunately subsists between the two nations.

" I have the honour to be,
with the most perfect consideration,
sir,
your most humble and most obedient servant,
C. J. FOX."

This letter was represented by the enemies of the new ministry as derogatory to the interest and dignity of Great Britain; but on a subse-

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quent occasion Mr. Fox vindicated himself on the enlarged and liberal principle, that, as he had been of opinion, that the Dutch had been dragged into the war, without any just cause, so he thought it the duty of England to make them large offers of peace. Accordingly a second letter was addressed to the Russian ambassador, stating in more explicit terms the conditions on which his majesty was disposed to treat with the republic of Holland, which we subjoin :

" Sir, St. James's, 4th May, 1782.

" I have not at all delayed to lay before his majesty the communication which you did me the honour of making to me on the first of this month. His majesty has received it as a fresh mark of the friendship of her imperial majesty, and as a proof of the lively and sincere interest which she takes in the restoration of the peace of Great Britain and her ancient ally. I believe it will be needless to remark to you, sir, that his majesty has understood, with the greatest satisfaction, that he has adjusted his councils in all points conformable to the measures which his majesty had already taken to second the good offices of the court of Petersburgh. The king moreover promises himself that her imperial majesty understands with pleasure that he has anticipated her counsels, in having offered to the Hollanders the entire liberty of navigation, according to the treaty of 1674 between Great Britain and the republic, a treaty by which the principles of the armed neutrality are established in their widest extent, to all the contracting parties. His majesty then does not make any difficulty to say, that he will accept as the basis of a separate peace between him and the states general, a free navigation, according to the principles demanded by her imperial majesty, in her declaration of the 28th of February 1780.

" Give

" Give me leave to remark, sir, that in communicating these his majesty's sentiments to you, I think I do no more than repeat what I had the honour to write to you on the 29th of March last. If that letter has not produced the effects which her imperial majesty seemed to promise herself from such a step towards a reconciliation, and on which alone, according to the report of the ministers of her imperial majesty at the Hague, the republic made the negociation for a peace with Great Britain to depend; and if, notwithstanding the moderation which his majesty has taken pains to prove on this occasion, in terms the least equivocal, the republic shall persist to oppose every idea of a separate peace, the king will always have the satisfaction of having acted in such a manner as to manifest the high value he sets on the friendship of her imperial majesty, and the respect he has for her councils.

" I have the honour to be, &c.

" C. J. Fox."

The states general, however, refused to listen to any overtures for a separate peace, and therefore Mr. Fox and his friends no longer thought them entitled to that generosity of conduct, which they had thus so haughtily rejected. But no time was lost by the new ministers to evince their pacific disposition towards the other powers at war. Almost immediately upon their entrance into office, Mr. Grenville was sent to Paris, invested with full powers to treat with all the parties at war; and, to offer every facility to so desirable an object as a general peace, he was directed, in the first instance, to propose the acknowledgment of the independence of the United provinces of America, without making it a condition of a general treaty. The British commanders in America were at the same time directed to acquaint the congress with the pacific views of his majesty's servants,

servants, and of the offer that was made to acknowledge the independence of the United States.

The policy pursued by the new administration with regard to the internal concerns of the empire, was strictly consistent with the principles which they had maintained when in opposition, and from the open and eloquent avowal of which they derived the confidence and support of the most respectable and independent members of both houses of parliament, with the warm and generous approbation of a large majority out of doors. Among the other wise and patriotic measures brought forward during the short continuance of Mr. Fox and his friends in power, may be mentioned with complacence, as we continue to feel the advantages of them, the act which gave to Ireland the blessing of a free and independent constitution, the act for restraining the officers of the customs and excise from voting at elections, and Mr. Burke's bill for the abolition of various useless offices of state, and the reform of the civil list expenditure.

Mr. Fox, at a meeting of his constituents, soon after his resignation, speaking in approbation of these great measures, acknowledged that the party with whom he acted had made large and ample promises when in opposition, and the public, in the persuasion of their sincerity, by many great and repeated exertions, had at last got the government lodged in their hands. Did the people, he asked, in the honest boldness of conscious integrity, find them different in office from what they had been when out of power? Were they not assiduous and constant in their attention to those capital and leading particulars so interesting to the nation in general, and so much at heart with themselves, and on which they considered their own honour and consequence to depend? What

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was expected from them which they did not employ all their influence and address to accomplish the moment they were in power? They had repeatedly exclaimed against the growing influence of the crown, especially as unduly exerted at elections. Had they not taken the most effectual means they could to abridge it, by a bill which expelled from the house of commons all contractors of whatever description or denomination? What made the boroughs of this kingdom such a dead weight on a fair and equitable representation of the people? By the swarms of custom-house and excise officers who nestled in them, their delegates were certainly a representation of the crown, or ministry, rather than of the people. To put a final period to this obvious enormity, a bill had likewise passed, under their short administration, by which they were wholly incapacitated for voting on any such occasion whatever. Still a numerous list of places or sinecures remained at the minister's disposal, by which he always had it in his power to swell the public expenditure almost as much as he pleased. On this account, and to cure as much as was possible a most general and threatening evil, Mr. Burke's reform bill, which went to the abolition of a great many useless offices, had been carried through both houses of parliament, and obtained the royal assent. He and his friends, therefore, did not fear to be tried by the performance of those promises which they had repeatedly and solemnly made. And he was bold to affirm, that the public expectation had, in no instance, been disappointed by their means. This test of men and measures was alike intelligible to all: it was universally and clearly understood, and it was a test to which he, and those who acted on true public principles, would always readily and chearfully appeal.

To these valuable and popular edicts, continued Mr. Fox, which would have distinguished any administration of as many years continuance as this was months, ought to be added the complete and substantial emancipation

of

of Ireland, from that illiberal and contracted policy under which she had so long and ignominiously groaned. This opprobrium of the British government, which has remained for ages a standing satire on our attachment to political independence, is now fully and for ever annihilated. The period arrived at last, when that liberty, which has so frequently fed and circulated in warm streams round the heart, was destined to communicate life and vigour to the extremities of the empire. Ireland felt, and availed herself of, a crisis peculiarly propitious to her wishes. Fortunately for her, the government was no longer in the hands of men who scorned to become wise by experience, but under the management of those who had seen enough of complimenting one part of the empire at the expense of another. They deemed us all equally freemen, and thought the truest dignity of Great Britain, the pride of Englishmen, and the honour of the constitution, consisted in extending the great privileges of liberty and law, and maintaining them equally, essentially, and unimpaired, in every part of the empire, and among every order and description of his majesty's subjects. They were averse from sporting with the feelings of a great, injured, and impatient people. They conceived it to be as much our interest as it was theirs, to make a merit of necessity, and comply readily and freely with the full extent of their demands. This was an instance, in point, that they were at least as much attached to the privileges of the many as to the exemptions of the few, to the rights of humanity as to the claims of government, and to the unalienable franchises of liberty as to the various and proud usurpations of legislation. A miserable system had long kept them poor, that we might be rich; but they were no longer to be treated as slaves and dependents. That system was now happily exchanged for a better; and the servants of the crown thought the freedom of Ireland the best monument and the surest pledge of our own.

Such

Such were the leading transactions of the ministry during the short period that Mr. Fox and his friends continued in office. But the high expectations which the people had conceived from so wise and patriotic a commencement of the new ministerial reign, were fatally overcast by the death of the marquis of Rockingham, which took place on the 1st of July 1782, and the disunion which followed in the cabinet, upon the loss of that lamented nobleman. The vacant post of first lord of the treasury was bestowed on the earl of Shelburne, so much against the wishes of Mr. Fox, and those more particularly connected with him on public principles, who were desirous that the duke of Portland should have been placed at the head of the treasury, that he immediately resigned his place, and was followed by lord John Cavendish, Mr. Burke, Mr. Frederick Montague, and other distinguished characters.

Various motives were assigned for Mr. Fox's secession from office. By some it was censured as rash and precipitate; and condemned by others as originating not in pure and patriotic motives, but in feelings of wounded pride and disappointed ambition. It would be injustice to his memory to offer any other defence for his conduct, than that which he himself made at the time, a defence which carried conviction with it, to every honest, upright, and impartial mind, of the honour of his feelings, of the purity of his principles, and of the disinterestedness of his patriotism.

The subject of Mr. Fox's resignation was fully discussed in the house of commons, a few days after that event took place, and the reasons which had urged him to that step distinctly stated. On few occasions was the public curiosity ever more eagerly displayed. The gallery of the house and all the avenues leading to it were filled at an early hour with personages of the

first rank and consideration, and the most profound silence ensued when Mr. Fox rose.

After some remarks on a pension that had been granted to colonel Barre, in seeming contradiction to the œconomic principles on which the Rockingham ministry had come into power, and which Mr. Fox defended, he observed, that he considered his resignation as a necessary step, when he found himself in a cabinet, that was divided upon points to his apprehension of the utmost importance. Without treachery to his country, he could not remain in power, when such opinions were held, and such a system was to be begun, as appeared to him to be dangerous, if not fatal. He thought himself bound to answer to his country for his conduct, in having withdrawn himself from a cabinet, which had been formed by the firmness and opinion of the country, at so critical and alarming a period. When he entered that cabinet, he considered himself as pledged to his country for the system to be pursued. He was in that situation which demanded the most fair, direct, and explicit mode of proceeding. It was his disposition so to act; and in the discharge of his duty to his king and country, he was most anxiously solicitous, that the principles upon which the ministry came in, should be most religiously and implicitly observed. What then was to be done, when to his plain and evident conviction, these principles were departed from by some of those ministers? Was it not his immediate duty to retire from a situation, in which he could no longer act with honour to himself, or service to his country? When he saw that there was no prospect of those principles being any longer pursued, upon which the administration had been framed; when he was farther confirmed in his opinion by seeing that his immediate friends were equally alarmed, and saw with the same eyes that he did; he then felt it to be his

his immediate duty to retire from his post, and instantly to come forward, and declare the suspicions he entertained, in order to warn the house against the system which was to be revived. Having to answer to that house for the exact system which they had pointed out, in the formation of the ministry of which he made a part; and having declared that he should certainly depart from that cabinet, whenever the cabinet should depart from that system, he now felt it his duty to come forward and declare, that he had quitted his situation and resigned, because he believed the day was come, when the system was to be abandoned, when new opinions and a new system were to be formed, or rather when the old one was to be revived. He could not, for obvious reasons, enter into a detail of the matters which had given rise to this difference between himself and others who had retired, and those who remained in his majesty's councils. He could only say, *that there were several points on which they had most materially differed;* and that he should have considered himself as guilty of the most direct treachery to his country, if he had, after this difference, continued any longer to hold out his name and support to an administration, which was not pursuing the line chalked out for them by that house, and by the people of England. His situation was so peculiar in that house, that he should have been unpardonable, if he had been mean enough to submit to continue in a situation, which he could not hold for the service of his country. For it was to him in particular that that house would look, as from his situation he had to come down with the measures of the cabinet; and, therefore, under those circumstances, he felt it to be indispensably necessary, that he should come forward, and ring the alarum bell, and tell the country, that the principles on which they had, with due deliberation, formed this administration, were abandoned, and that the old

system was to be revived, most probably with the old men, or indeed with any men that could be found.

As for himself, it certainly was not without reluctance that he had quitted the station he had lately held. He was not insensible to those distinctions which it gave him. He was neither incapable of vanity, nor of ambition. He had the vanity to be pleased with the applause of the good and the virtuous, and the ambition to be serviceable to his country. But there were considerations superior both to his vanity and ambition, the considerations of duty and of conscience. A sense of the duty which he owed to that house and to his country had induced him to warn them of the danger which he saw approaching; and he had the consolation of reflecting, that, if his country was to be ruined by a renewal of that system, which it had been the labour of years to demolish, it was not owing to him. It was from such considerations as these, that though in circumstances, in point of fortune, by no means enviable, he had relinquished the pomp, the profits, and the patronage of office. But these were not the most painful sacrifices he had made: he had also the misfortune to lose many of his dearest friends. But they were lost, he trusted, only for a time; because he was convinced, that the professions which had been made to them, and the delusions which had been held out, though they had imposed upon them now, could not deceive them long. Their sagacity would at length penetrate through the disguise, and the arts of those by whom this country was now to be governed; and they would come over to his opinion, though perhaps not till they had given a sanction by their names to an administration, that would more fatally undo the country, than any that was ever formed, or suffered to exist in Great Britain. They were men who thought nothing of promises which

which they had made; of engagements into which they had entered; of the principles which they had maintained; or of the system on which they had set out. They were men whom neither promises could bind, nor principles of honour secure; they would abandon fifty principles for the sake of power, and forget fifty promises, when they were no longer necessary to their ends. He had no doubt, but that to secure themselves in the power which they had obtained only by the labour of others, they would now strive to strengthen themselves by any means which corruption could procure; and he expected in a short time to see, that they would be joined by those very men, whom that house had precipitated from their seats. He had, however, this consolation, that though this new system might go on for days, weeks, months, or for years, it must like the last crumble into atoms, as all administrations and systems must do, which were not founded in public virtue and in honour.

General Conway (a member of the cabinet, and commander in chief of the forces) rose to reply to Mr. Fox. He began by lamenting that a difference of opinion should have deprived his majesty of the splendid talents of his right honourable friend; but denied that the disagreement in the cabinet was sufficient to justify him in withdrawing from it. When eleven cabinet ministers were assembled in council, it was impossible that there should not be some shades of difference in opinion; but, when this difference was not of an important nature, to retire from the cabinet was a measure, in his mind, not to be justified. For his part, he had not perceived any departure from those principles, which had been the basis of the administration, an administration which he believed to have been the most popular of any that had ever been formed in this or any other country.

If

If he had perceived any such departure, he would not only have applauded his right honourable friend for having withdrawn himself, but would have accompanied him in his retreat.

The leading principles by which he understood the cabinet was to be governed, whether under the auspices of the marquis of Rockingham or the earl of Shelburne, were, that the independence of America should be unconditionally acknowledged; that a new and regular system of œconomy should be forthwith adopted in every branch of the public expenditure; that the independence of the Irish legislature, as acknowledged by the repeal of the 6th of Geo. I. should be established on the most permanent foundation; that a reform should take place in the civil list and other departments of state; and that the most effectual steps should be taken for diminishing the influence of the crown in both houses of parliament.

These, he said, were the great and fundamental principles upon which the administration had been formed; they were his principles, and as long as they were adhered to, ministers should have his support: but, if ever it should be resolved in council to depart from any one of them, he would rest satisfied to be pronounced the most infamous of men, if he should continue to act for one moment longer with those who could come to such a resolution. For his part he did not mind men; he would never take any share in a scramble or quarrel for places, pensions, or power; he did not care who were the members of the cabinet, or who enjoyed power, provided that those principles which he had stated as the fundamental points of the new administration were strictly adhered to. *He looked to measures only, and not to men.* He lamented as much as any man

man the death of the noble marquis, which had occasioned the late division; but he saw no ground for apprehension, that his successor would not steadily pursue the true interest of his country; that he would not strictly adhere to the great leading principle relative to America, which he had stated to that house. The noble lord in question [earl of Shelburne] was not satisfied with bringing himself to think favourably of American independence, to which the change of affairs had made him a convert; but he went farther, and he had persuaded the king to think favourably of it also. He therefore was at a loss to discover the essential ground of difference in the cabinet, or the cause that had occasioned the secession of his right honourable friend.

Mr. Fox, in reply, expressed his hope that the house would excuse him, if he should rise a second time, to exculpate himself from so heavy a charge as that of having quitted the service of the public without cause, and ascribed a conduct or intention to the cabinet which they had a right to disclaim. It seemed, he said, to have been insinuated, that disappointment in a contest for power and place, had been the true cause of his retreat from the present administration; but he was happy to have it in his power to answer this charge effectually, by assuring the house, that *he had in a full cabinet council expressly declared, that, if such and such measures should be adopted, he must necessarily resign his employment.* This declaration he had made previous to the death of the marquis of Rockingham. If he did not actually resign before that melancholy event took place, it was because he would not embitter the last moments of a venerable friend, by taking a step which he knew would give him the greatest uneasiness: but to prove that the probability of the death of that great and good man had no influence whatever upon him in his resolution

resolution to resign, he had said, when there was every hope given by the faculty that the noble marquis was likely to recover, that he had on the very day when these delusive tidings had been brought to the cabinet, positively declared that he must retire, if such a particular measure should be adopted. He was out voted in the council, and that measure was adopted. Now, as he looked upon that measure to be in the last degree dangerous, he owed it to himself and to his country, not to remain any longer in a situation, in which he could not continue to act, without renouncing his principles, or betraying his trust with the public. He stood in a delicate situation: it had often been said, that while he himself and some other men should continue in office, it would be looked on as a pledge that nothing was going forward that could be injurious to the public interest. Must he not, therefore, have deceived those who looked upon his continuance in office as such a pledge, if he should have consented to retain his situation, while measures were pursuing which he thought highly injurious to the public good?

Mr. Fox lamented the necessity he was under of recalling the attention of the house to a great variety of particulars, which, as he thought, had already been fully stated. The weight of the honourable general's character, and his singular ingenuity, might give a turn or colour to facts, to the fallacy of which every mind might not, at first sight, be sufficiently awakened. Several things of this kind had fallen from him, to which, therefore, he hoped, he should be allowed to make some reply. To the political creed, which had been read to the house, with so much solemnity, he was no party. His majesty's ministers were not agreed on any such system while he was with them. To bring them unanimously to some such specific and decisive point, he had laboured ardently and assiduously

with

with them, both individually and collectively considered, but all to no purpose. It was therefore some satisfaction to him, at least, that his absence had brought about that which his presence could not. This alone was sufficient to justify his resignation. What was an honest man to do who found himself situated as he was? He had avowed his principles, in that house, to his friends, to his constituents, and to the nation at large, with the existence of which as a great and respectable state he deemed them inseparable. Was it ever conceived or expected that he should continue in a responsible department of the state, and be answerable, in his place in that house, for measures that were foreign to his heart, and, in his opinion, hostile to the best interests of the empire? He trusted, the public, and all who knew his habits of thinking and acting, had a better opinion both of his understanding and heart than to suppose him capable of such meanness. It was in fact a conduct to which he was not equal.

His honourable friend had professed himself totally indifferent who were the men, while the measures they pursued continued good. It was difficult to say whether this trite maxim in modern politics was most plausible or fallacious. Were men in private life deemed wise or foolish for depositing any thing dear or valuable to them in the hands of a stranger? Was it not one of the first rules with every man who knew the world, *I will never trust whom I do not know?* Is the obligation the less strong, the less sacred, the less commanding or consequential, that the public, and not a man's own petty concerns, is the object? Who but a madman would entrust whatever he regarded as most precious and inestimable with whoever might happen first to accept of them, without farther solicitude or anxiety? Was it consistent with the least degree of penetration, saga-

city, or political circumspection, to depend on the events of futurity, or the caprice of contingencies, for justifying a manifest and direct treachery to those principles which involved the most essential rights of humanity? The honourable general was certainly welcome for him in this, as in every other case, to judge for himself. He must excuse, however, his presuming in the present matter, to declare against his judging for him. He would not relinquish the dictates of his own mind, especially in affairs which he had so often and so carefully revolved and viewed on all sides within himself, to any with whose principles and virtues he was not absolutely satisfied, and in whom he had not the fullest and most unbounded confidence. This was not in his power as matters were at present circumstanced. The nobleman presiding at the treasury board was not of a description to command that faith and trust, that cordial unanimity and confidence, which, in such a predicament, was wanting, was expected, and was indespensable. This breach was on a public and national, not on a private and personal ground. He withdrew, the moment the interest of his country required he should. This was the great unerring compass, by which he had ever steered, and ever would steer, his political course. He had no other pilot, and would have none; and whether he should sink or swim, live or die, he was the public's, and could never be ill disposed of in their service.

His mind might see things on a less broad and comprehensive scale than the honourable gentleman; but he was answerable only for his own feelings and convictions. These might incline him to be less credulous, and fill him with more jealousies than his honourable friend was liable to entertain. What seemed only niceties to the one, were, in the apprehension of the other, matters of the greatest magnitude and importance.

Were

Were the honourable gentleman promised without any possible condition on his part, some princely favour, as nothing less could merit his acceptance, his expectations of such an object might be reasonable in proportion to the confidence he reposed in the party promising. But, should he afterwards learn, that a certain equivalent was looked for before he could receive or realize it, the extreme generosity of his noble nature would, doubtless, prevent his perceiving the difference. But the same generosity, that made him so very superior to others in their conceptions of the self same object, ought to have furnished him with an apology in their behalf, when the timidity of their minds was alarmed by things which affected the magnanimity of his only as a few insignificant shades or niceties. He would not, however, either censure or defend the mental constitution which God had given him. It was enough for him, that his consience did not upbraid him with acting dishonourable or disingenuously. But, he would say, this must have been the case, had he not done what he did. He was impelled to resign by every consideration that could operate on the heart and feelings of an honest man. The honourable gentleman might, but he could not, regard, without emotion or concern, who took the lead in his majesty's councils. He deemed it a great and national measure, and consequently of infinite moment to every individual, but much more so to a member of parliament, and still more so to one of his majesty's cabinet ministers.—Their honour, their duty, and every thing dear to them were at stake. What! had he and his friends laboured so long and assiduously to destroy a system, which it was now meanly, but abortively, attempted to make them accessary in reviving? Must they not see the trick, that is meant to be played upon them, without blame? Were they censurable for detecting an artifice with which the strength and glory of Great Britain was most intimately connected? Why are not

the honourable gentleman and his worthy coadjutors satisfied with their own integrity, in keeping their places, without blaming those who relinquish them? Is not their eagerness for an *eclaircissement* a certain ndication that all is not right with them, even in their own opinion? He and his friends had nothing to dread from the severest scrutiny. They had acted right, because they had acted from fidelity to their engagements with the public, whom they never had betrayed, and never would; whose cause and interest they preferred to every thing, and for which they now sacrificed whatever was most flattering or alluring to most minds.

Mr. Fox would not pay his majesty so poor a compliment as the honourable gentleman certainly did, by asserting, that lord Shelburne had convinced or persuaded him, that the independence of America was a measure which must now be adopted. It was from this house, it was from the people at large, it was from the royal observation on the daily occurrences of things, that such generous and princely ideas were indulged in the royal breast. He therefore deemed it, if not unfair, at least a poor compliment to that house, and to the public, to attribute that to the address of an individual, which certainly originated in the sentiments and resolutions so unanimously and boldly avowed by themselves. Though they were altogether out of the question, it was hardly treating his colleagues in office with due respect, to give lord Shelburne the sole merit of what surely belonged to them as much as to him. Indeed, if any individual had more merit than another, in a business so much aud jointly the object of all, it was, no doubt, the honourable gentleman himself. What was the motion he brought into that house, and by which the late administration was certainly annihilated? If it had any meaning, it went to the full and unconditional

unconditional independence of America. He would not think so disrespectfully of his royal master, whose service he had so lately resigned, as once to suppose he could have a different idea from his people, on a subject so dear to their hearts and so essential to their interests. He knew the justice, the discernment, the gentleness and the mercy, of the royal character, better than to suppose he could dissent, from the general opinion of the nation, on a point concerning which their sentiments had been delivered in so decided a manner. But why was not he, why was not the honourable gentleman himself, brought forward, as using all their influence to carry a point which seemed a favourite one with them all? Was it not that the noble lord in question was alone suspected of having less friendly ideas on this topic, than any one of his numerous colleagues in office.

He did not wish to bear harder on the honourable gentleman, whom he had long regarded with sentiments of the highest respect. But now, that he had been somewhat involuntarily put on his own defence, it was natural, it was necessary, in his case, to state his conduct as he had stated it. A variety of circumstances was against him. It was none of the least, that he did not think himself at liberty to speak so freely and fully as he had accustomed himself to do on other occasions. Official minuteness would, in this case, be deemed both tedious and inexpedient. And yet, without such a very circumstantial detail, as he did not think it became him, at this time, to give, he was sensible his defence could not be so strong, so complete, or so generally effective, as it might otherwise have been.

The prorogation of parliament, which happened a few days afterwards, prevented,

prevented, for a time, the subject of Mr. Fox's resignation being further discussed in that assembly ; but on the next meeting of the house of commons on the 5th of December, when many of his motives for reserve no longer existed, Mr. Fox took occasion to enter into a minute explanation of the cause which produced his retirement from office. Some time before his resignation, Mr. Fox said, he had written to Mr. Grenville, the then British minister at Paris, authorizing him, by the king's command, to offer to the American agents, "to recognize the independence of the United States in the first instance, and not to reserve it as a condition of peace." At the same time an official letter, he declared, for the same purpose, was sent by the earl of Shelburne to sir Guy Carleton, the commander in chief in America. Mr. Fox had been suspicious of the sincerity of some of his colleagues, and that the measure he proposed had not their entire approbation, he had, therefore, in order to prevent any misconception, purposely chosen the most forcible expressions that the English language could supply ; and when he found that the earl of Shelburne had used the very same expressions in his letter to sir Guy Carleton, he confessed his joy was so great, that he immediately carried it to the marquis of Rockingham, and told him that their distrust of that noble lord's intentions had been groundless, and were now done away. " Judge then," said he, " of my grief and astonishment, when, during the illness of my noble friend, another language was heard in the cabinet, and the noble earl and his friends began to consider the above letter as containing offers only of a conditional nature, to be recalled, if not accepted as the price of peace. Finding myself thus ensnared and betrayed, and all confidence destroyed, I quitted a situation in which I found I could not remain either with honour or safety."

We

We now come to a very remarkable era in the public life of this great statesman, we mean the celebrated coalition between him and lord North. No political transaction ever excited more general astonishment, or was followed with a larger share of public disapprobation, than this union between the great leaders of the whig and tory parties. All that opposition, for a long series of years, had urged against " the incapacity, indolence, blunders, obstinacy, corruption, &c." of lord North, were now recalled to their recollection, and their junction with him stigmatized, both in and out of parliament, as a base and flagitious desertion of principle. No allowance was made for the warmth of debate, or for those sallies and intemperances of speech, into which the gravest members of a popular assembly may sometimes inadvertently fall; but whatever had been advanced against lord North, particularly by Mr. Fox and Mr. Burke, was now diligently collected into one focus, and made to magnify the incongruity and deformity of the coalition.

One of the happiest strokes in parliament against Mr. Fox's share in the coalition, occured after the earl of Shelburne had resigned, in consequence of the house of commons expressing its disapprobation of the preliminaries of peace, and some motions had been made praying " his majesty to take into his serious consideration the very distracted and unsettled state of the empire after a long and exhausting war; and that his majesty would therefore condescend to comply with the wishes of the house, by forming an administration entitled to the confidence of his people, and such as might have a tendency to put an end to the unfortunate divisions and distractions of the country." To this address a member proposed the following addition, the latter part taken verbatim from a motion made by Mr. Fox, in March 1782, " and that his majesty would be

he graciously pleased not to nominate or appoint any person or persons to fill up the vacant departments, *who by their mismanagement of public affairs, and want of foresight and abilities* when they were in office, *had lost the confidence of the people.*"

This attack was parried with great dexterity by Mr. Fox. If the honourable baronet [sir Richard Hill], he said, had carried his intended amendment, he should also have proposed to have added the following to it, " and that his majesty would also be graciously pleased not to employ, as ministers, any of those whom that house had declared *to have made a peace, in which the concessions to the enemies of Great Britain were greater than they were entitled to**." " If the house," continued Mr. Fox, " adopted both these amendments, (and the latter stood at least as fair for their approbation as the former,) his majesty would indeed find no small difficulty where to chuse. It was, however, a matter of great pride and satisfaction to him to reflect, that the only set of men against whom no objection could be made, was the small party with whom he had the honour to be, in a more particular manner, connected. This very circumstance, he argued, was a sufficient and convincing proof how necessary it was for the safety of the country that parties should forget their ancient animosities, and join in cordial endeavours to rescue it out of a state which lead directly to anarchy and confusion.

With respect to the surprise which had been expressed at the coalition, he asked, whether it was any delinquency of character or desertion of

* Taken from lord John Cavendish's Resolutions of Censure on the Peace, carried against ministry, February 21, 1783, by a majority of 17.

principle

principle to coalesce solely for the purpose of obtaining such an administration as the country might depend upon? Surely it was time for men of every description to throw aside all personal and public prejudices, when the welfare of the state demanded it of them, and it was obvious to every intelligent individual, that nothing but a cordial co-operation of parties could be the means of forming such a government, as should be found adequate to carry on the great business of the nation.—The coalition was said to be formed between persons who could never agree in any public opinion. This assertion, he contended, was unfounded. To argue, that it was impossible for men who had differed in opinion upon certain points, to act together cordially for the public good, was to argue against experience. The noble lord in the blue ribbon had undoubtedly held opinions contrary to his, but he did not despair, on that account, that their united exertions might, on national considerations, promote the public interest. If the violence with which their former opposition to each other had, perhaps, sometimes even indecently, been carried on, was the principal objection brought against their present union, surely they deserved the more merit for consenting to forget those animosities, which long and violent contests must naturally have produced.

Mr. Fox then proceeded to shew that the difference in opinion between him and lord North was not greater than the disagreement between the political opinions of lord Thurlow and the duke of Richmond, and of other members of the cabinet; and he contended, that if such an union was considered as dishonourable, the disgrace would equally cover both parties; and to say the least, that a coalition* which included the most distinguished persons

* During the debates on Mr. Fox's celebrated India bill, the coalition was made a

 particular

persons of each party, could not be more disgraceful than a coalition formed of the shreds and remnants of both.

Lord

particular subject of attack by those members who having nothing in the shape of argument to urge against the bill, endeavoured to defeat that measure by rendering odious the characters of the proposer and the supporters of it. "Disgraceful, cursed coalition," became a sort of watchword with politicians of this class, and one member incurred no small share of ridicule by declaring that he wished to see a starling perched on the right elbow of the speaker's chair, which should be taught to repeat incessantly to the treasury bench, "disgraceful, cursed coalition." Mr. Fox (December 1, 1783,) in reply to the sarcasms of this gentleman and some others of more weight in the house, defended himself in the following terms.

"An honourable gentleman (Mr. Martin), to whom an abuse of the coalition seems a sort of luxury, wishes that a starling were at the right hand of the chair to cry out "disgraceful coalition!" Sir, upon this subject I shall offer but a few words.

"The calamitous situation of this country, at the close of the war, required an administration whose stability could give it a tone of firmness with foreign nations, and promise some hope of restoring the faded glories of the country. Such an administration could not be formed without some junction of parties; and, if former differences were to be an insurmountable barrier to union, no chance of salvation remained for the country, as it was well known, that four public men could not be found, who had not, at one time or other, taken opposite sides in politics. The great cause of difference between us and the noble lord in the blue ribband no longer existed; his personal character stood high; and thinking it safer to trust him than those who had before deceived us, we preferred to unite with the noble lord. A similar junction, in 1757, against which a similar clamour was raised, saved the empire from ruin, and raised it above the rivalship of all its enemies. The country, when we came into office, bore not a very auspicious complexion; yet I

do

Lord North, in vindication of himself, said, that his wishes in forming the coalition, had been to form a broad, permanent, and efficient administration,

do not despair of seeing it once again resume its consequence in the scale of nations, and make as splendid a figure as ever. Those who have asserted the impossibility of our agreeing with the noble lord and his friends, were false prophets; and events have belied their augury. We have differed like men, and like men we have agreed.

"A body of the best and honestest men in this house, who serve their country without any other reward than the glory of the disinterested discharge of their public duty, approved of that junction, and sanctify that measure by their cordial support.

"Such, sir, is this coalition, which the state of the country rendered indispensable; and for which the history of every country records a thousand precedents; yet to this the term *disgraceful* is applied. Is it not extraordinary, then, that gentlemen should be under such spells of delusion, as not to see, that if calling it disgraceful makes it so, these epithets operate with equal force against themselves. If the *coalition* be disgraceful, what is the *anti-coalition?* When I see a right honourable gentleman (Mr. Pitt) surrounded by the early objects of his political, nay his hereditary * hatred, and hear him revile the coalition, I am lost in astonishment how men can be so blind to their own situation, as to attempt to wound us in this particular point, possessed as we are of the power of returning the same blow, with the vulnerable part staring us directly in the face. To the honourable gentleman, who wishes that a starling were perched upon the right hand of the chair, I must reply, that it would be quite as reasonable to have another starling on the left hand of the chair, to chirp up *coalition* against *coalition*, and so harmonize their mutual disgrace, if disgrace there be.

"With equal consistency, another honourable gentleman calls us *deserters—us!* A few cold and disaffected members fall off, then turn about, and, to palliate their own defection, call the body of the army *deserters*. *We* have not deserted; here we are a firm phalanx. Deserted indeed we have been in the moment of disaster, but never dejected,

* Mr. Jenkinson sat near Mr. Pitt, Mr. Dundas, &c.

tration, and by coalescing to forget former prejudices and animosities, and turn their thoughts to those essential advantages which the country might yet

and seldom complaining. Some of those who rose upon our wreck, and who eagerly grasped that power which we had the labour of erecting, now call us deserters. We retort the term with just indignation. Yet whilst they presume we have the attributes of men, they would expect us to have the obduracy of savages. They would have our resentments insatiate, our rancour eternal. In our opinion, an oblivion of useless animosity is much more noble; and in that, the conduct of our accusers goes hand and hand with us. But I beg of the house, and I wish the world to observe, that although, like them, we have abandoned our enmities, we have not, like them, relinquished our friendships."

In another part of his speech, Mr. Fox, in reply to Mr. Powys, who had insinuated that he was actuated by avarice, or ambition, or party spirit, said, "I have failings in common with every human being, beside my own peculiar faults; but of avarice I have indeed held myself guiltless. My abuse has been, for many years, even the profession of several people; it was their traffic, their livelihood; yet until this moment I knew not that avarice was in the catalogue of the sins imputed to me. Ambition, I confess, I have, but not ambition upon a narrow bottom, or built upon paltry principles. If, from the devotion of my life to political objects, if from the direction of my industry to the attainment of some knowledge of the constitution, and the true interests of the British empire, the ambition of taking no mean part in those acts that elevate nations, and make a people happy, be criminal, that ambition I acknowledge. And as to party spirit,—that I feel it, that I have been ever under its impulse, and that I ever shall, is what I proclaim to the world:—that I am one of a party, a party never known to sacrifice the interests, or barter the liberties of the nation for mercenary purposes, for personal emolument or honours; a party linked together upon principles which comprehend whatever is dear and most precious to free men, and essential to a free constitution, is my pride and my boast.

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yet derive from unanimity and exertion. His great object was to put an end to that discord which had so long unhappily distracted the country, and to establish us once more in tranquillity at home, and respect abroad.

" Our connection," continued the noble lord, " was founded in principles of honour; when the great points on which we differed were no more, we thought we might act together with cordiality, and without inconsistency. We were not mistaken: we tried the experiment and it succeeded. No meanness, no dishonour, no jealousy discovered itself; all was inviolable adherence to honour and good faith on one part; all was confidence on the other. No mean concessions were made on

" The honourable gentleman has furnished me with another assertion, which it is also my pride to make: he says I am connected with a number of the first families in the country. Yes, sir, I have a peculiar glory that a body of men renowned for their ancestry, important for their possessions, distinguished for their personal worth, with all that is valuable to men at stake, hereditary fortunes, and hereditary honours, deem me worthy of their confidence. With such men I am something—without them, nothing. My reliance is upon their good opinion; and in that respect, perhaps, I am fortunate. Although I have a just confidence in my own integrity, yet, as I am but a man, perhaps it is well that I have no choice but between my own eternal disgrace, and a faithful discharge of my public duty; whilst these kind of men are overseers of my conduct, whilst men whose uprightness of heart and spotless honour are even proverbial in the country (looking at lord John Cavendish) are the vigils of my deeds, it is a pledge to the public for the purity and rectitude of my conduct. The prosperity and honour of the country are blended with the prosperity and honour of these illustrious persons; they have so much at stake, that if the country falls, they fall with it; and to countenance any thing against its interests, would be a suicide upon themselves. The good opinion and protection of these men, then, is a security to the nation for my behaviour, because if I forfeit their regard, I lose my all."

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either side; I can appeal to my right honourable friend, if I even sacrificed any one opinion which I formerly seriously held upon principle, unless where reason and argument might have pointed out the propriety of it: and in justice to my right honourable colleague, I must declare, that he never sacrificed to me any principle which he ever held when in opposition to my administration. The necessity of the times called for it; and experience had justified it. When parliament put an end to my administration by the address against the American war, it was succeeded by another, which appeared to be strong; but it carried the seeds of weakness in its own bosom, in the disunion which appeared in several parts of it, and soon shewed itself by their splitting asunder, and the secession of a part of it from the cabinet. The next administration was but weak, because it was ill connected, and it had lost the support of those who formerly acted with it; the members of it therefore fell off one after another, till losing the confidence of the house, the poor remnant of it was obliged to yield to the voice of parliament, and retire. From this experience it appeared necessary for the good of the state, that a permanent government should be formed, and it was clear that it could not possibly be formed unless a coalition should take place among those, who, though once enemies upon points which no longer come into debate, might act together very cordially in every other respect. On such principles the coalition was formed. But when it is charged with having seized upon government, this is a charge I do not understand, for the public waited six weeks for a ministry, and every means were tried for a new one, without the assistance of the coalition; but failing in every attempt, the ministers all quitted the cabinet before the coalition were sent for. The cabinet was then empty, so that if we seized upon it, it was by marching in after the garrison which ought to have defended it had fled, and who

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as they were going out cried, " what a terrible cursed thing is this coalition, that is driving us from our situations." But, if we became possessed of government, we are at worst charged with having carried it by storm, bravely, in the face of the enemy, not by sap. We carried on our advances regularly and above ground, in view of the foe, not by mining in the dark and blowing up the fort before the garrison knew there was an intention to attack it."

But the most satisfactory defence of the measure was that made by Mr. Sheridan, at a subsequent period. He confessed, that when the idea of a coalition with lord North was first started, he had advised his right honourable friend not to accept of it; and his reason was this:—his right honourable friend had great popularity, which he might lose by a coalition, respectable friends whom he might disgust; and prejudices of the strongest nature to combat. He made no doubt but similar objections occurred to the friends of the noble lord, and that they were urged to him, in order to dissuade him from coalescing with his right honourable friend. Mutual diffidence between men long accustomed to oppose one another might naturally be expected. The prejudices of the public also concurred to prevent this coalition. The middling class of people, for whom he had the highest respect, and to whom, sooner than to the great, the house of commons must look for support in every emergency, were not certainly the best qualified to judge of nice and refined points of politics: accustomed to judge of measures by men, he apprehended that they would give themselves no time to examine the principles, motives, and grounds of a coalition; but condemn it on its first appearance, merely because it was composed of men who had long been political enemies. On these grounds, full of apprehension for the character of his right honourable

honourable friend, he had most certainly given him his advice against a coalition. But when the necessities of the times at last pointed it out as the only means of salvation to this country; and when, from the opportunities he had had of seeing the noble lord and his friends, he was fully convinced of the honour, fairness, openness, and steadiness of their conduct; not only he did not condemn the coalition, but he rejoiced that it had taken place even in spite of his own advice. Diffidence soon gave way to the most perfect reliance on the honour of the noble lord, and on that of his friends, and their steady adherence to those principles which had been laid down as the basis of the coalition. It was unnecessary, therefore, after saying this, that he should tell the house his confidence in his right honourable friend had not felt the smallest diminution: fully acquainted with his character, he knew that he looked down with indifference, if not with contempt, on riches, places, and dignities, as things by no means necessary to his happiness: it was his right honourable friend's ambition to deserve and preserve the esteem and confidence of his friends; and he was sure that he would sacrifice neither, for all that place and emolument could bestow upon him.

The coalition came into office on the 2d of April 1782. The principal members of the new administration were the duke of Portland, who was placed at the head of the treasury; lord North and Mr. Fox, secretaries of state; lord John Cavendish, chancellor of the exchequer; lord viscount Keppel, first commissioner of the admiralty; lord Stormont, president of the council; and the earl of Carlisle, lord privy seal. The great seal was put into commission, and lord Loughborough placed at the head of it. Mr. Burke resumed his office of paymaster general; Mr. Sheridan was appointed one of the secretaries of the treasury; colonel Fitzpatrick, secretary

secretary at war; and the other minor departments of the state were filled with nearly an equal proportion of the friends of each of the coalescing ministers.

The most important subjects, which the new ministers brought before the consideration of parliament during the remainder of the session, were a bill for opening a commercial intercourse with America, a loan of twelve millions for the service of the year, and an establishment of fifty thousands per annum for the prince of Wales. The ministry were of opinion that his royal highness should have been allowed a larger income, and gave their advice accordingly at the council table, but on this point they were overruled by the authority of the sovereign himself. On the 16th of July the session was closed with a speech from the throne, the most prominent feature of which was, an intimation that the consideration of the affairs of the East Indies would require to be resumed as early as possible, and to be pursued with a serious and unremitting attention.

During the vacation, definitive treaties of peace were concluded with France, Spain, and America, in which the diplomatic skill of Mr. Fox obtained some advantages that had been neglected by the negotiators of the preliminary articles. These related to the British settlers on the island of Tobago, which was ceded to France by the preliminary treaty, without any stipulations in their favour;—the limits of the gum trade, a constant subject of dispute between the two powers, were accurately defined;—a reasonable basis of pacification was agreed on for India;—and all the benefits of former treaties revived and renewed.

On the meeting of parliament in November, no time was lost by Mr.

Fox in bringing forward his celebrated plan for the better management of the affairs of the East India Company. It was admitted by all parties, that the state of the company's affairs, both at home and in India, was in the highest degree critical and dangerous; and that nothing but strong measures and an entire change of system could place them on a secure and honourable footing. But public opinion differed widely as to the means of accomplishing this salutary object; and Mr. Fox's plan, though it was supported with the most captivating and persuasive powers of eloquence, was rejected through the base influence of a court intrigue, and the illustrious author of it driven, not indeed with disgrace to himself, but with indelible disgrace to those who advised the measure, from the councils of his sovereign. As few public matters have been more misrepresented or more misunderstood than Mr. Fox's India bill, an impartial examination of it, together with a fair display of the principal arguments that were urged against it, will probably not be thought superfluous here.

Mr. Fox, in his introductory speech on the measure (November 18, 1783,) after taking an able review of the reports of the committees, that had sat on the investigation of Indian affairs, observed, that with regard to the existence of great defects in the present system of governing India, and the dangerous and deplorable extent of the mischiefs and abuses arising from those defects, the house was well acquainted. The great difficulty lay in chusing the mode of remedying the defects that had been so fully ascertained. On former occasions, doubts had been started on this question: to whom do the territorial acquisitions in India belong? Many, and grave persons, were of opinion, that they belonged to the crown; and they argued, that it was absurd that a body of merchants should be supposed capable of managing and governing great territories, and entering into

into all the mazes and refinements of modern politics. He was aware also, that very weighty persons had, on the other hand, maintained, that the territories belonged of right to the company; and they retorted very justly, saying that it was equally absurd to suppose, that mere statesmen were qualified to enter into, and conduct the complicated branches of a remote and difficult trade. To this latter opinion he was himself inclined to lean. His idea, therefore, with regard to India, was to form a mixed system of government, adapted, as well as the nature of the case would admit, to the mixed complexion of our interests in India. He was willing, in the first instance, to leave the question of right to the territorial possession undecided. It was generally thought, that if government should even take the territorial possessions into their own hands, they would be under the necessity of keeping up a company to carry on a trade, by which alone the revenues of India could be converted to the benefit of great Britain.

His plan was to discontinue the present powers and authorities of the company, and to establish a board to consist of seven persons, who should be invested with full power to appoint and displace officers in India, and under whose controul the whole government of that country should be placed; and another board to consist of nine assistant directors, who should have charge of the sales, outfits, &c. of the company, and in general of all its commercial concerns, but still to be subject to the controul of the first seven. The board he would have held in England, under the immediate eye of parliament; and their proceedings should be entered in books for the inspection of both houses. For the present, he intended that parliament should name all the persons who should sit at this board; but then it should only be *pro hac vice*. He would have the board established for three or five years; or for such a length of time as should be thought sufficient to try

the experiment, how far this new establishment might be useful. When that should be known, if experience should have proved its utility, then he proposed, that, in future, the king should have the nomination of the first seven. If any of the assistant directors should die or resign, the vacancies should be filled up by the court of proprietors. In this plan the greatest powers might safely be entrusted with the board, because the members of it would be at home, and under the eye of that house, before whom their proceedings must be laid.

There were other points on which he had formed an intention to touch, and for which he must bring in a second bill, in aid and reinforcement of the first. An absurd opinion seemed to prevail in Hindostan, that all the lands belong absolutely to the emperor, and that therefore they may be disposed of at pleasure. Upon this principle it had been customary to turn the ancient zemindars, land owners, or gentry of the country, out of their possessions, if others could be found who would pay more for them. This was a destructive practice, built on an absurd and erroneous opinion; it destroyed agriculture and improvements, and took away that stimulus to the acquisition of property, the consciousness that it would be permanent. His plan would be, to enact, that upon the payment of certain fixed rents or tributes, the landholders should enjoy the undisturbed possession of their lands, which no power should take from them; and in this he trusted he should be most powerfully seconded by the humanity and justice of parliament. He stated also as a very important object of his bill, and which stood much in need of correction, the practice of the company's servants receiving presents from the Indian princes, and others, the dependants on the company. This was, he said, the grand original, the *primum mobile*, of all the rapacity, disobedience, injustice, and

and cruelty, that had disgraced the British government in India. In vain had the court of directors sent over injunction after injunction, to forbid the company's servants from taking any present, on any pretence, from the Indian princes and zemindars. In vain had an express act of parliament passed to forbid the practice. The orders of the court of directors, and the acts of the British legislature, were held in equal, and the most supreme contempt in Bengal. A stronger proof of this could not be adduced than the conduct of Mr. Hastings, who had accepted various presents, and among others, a present of one hundred thousand pounds from a raja, who, at the very time, stood deeply indebted to the company, and who pleaded the most abject distress in excuse for not paying the company what he owed them. This hundred thousand pounds, it was true, Mr. Hastings had afterwards brought to the account of the company; but it was a considerable time first, and in the interim he had lent it to them upon bond, and charged a high interest. Mr. Fox laid great stress upon the narrative, and urged it as a glaring proof of his former opinion, that the servants of the company in India were thought by the natives to possess more power than their masters; and that it was evident they held the orders of the court of directors, and even the acts of the British parliament, in sovereign contempt.

Another point to which he designed to direct the correction his bill was intended to administer, was, to the abolition of all monopolies. These were extremely unfair in the first instance, extremely pernicious, and tended to consume the vitals of commerce, rather than to feed or cherish, or to lend it vigour. He mentioned the monopoly for opium, which had been given to the son of a chairman (Mr. Sullivan) of the East India Company, who sold the contract for a considerable premium the very same day;

day; and in consequence of which the trade for opium was absolutely lost to the company. It had been suggested, that it would be adviseable to give the Gentoos the laws of England; but such an attempt, he thought, would be ridiculous and chimerical, the customs and religion of India clashed too much with them. But, though British laws could not be established among them, still their spirit and efficacy might, and this great principle might be carried into effect, that no man should be deprived of his lands, while he fulfilled the conditions under which he held them.

He was aware that the task he had set himself was extremely arduous and difficult; he knew that it had considerable risk in it; but when he took upon himself an office of responsibility, he had made up his mind to the situation and the danger of it. He had left all thoughts of ease, indolence and safety behind him. It was not a time for indolence and regard to safety in a minister. The situation of the country called for vigorous exertion, for new measures, and for some risks. He knew that a minister who had no other consideration but his own safety, might be quiet and safe, but the consequence must be that the country would be ruined. How much better was it to venture what the exigency of affairs required; the minister, it was true, might be ruined, but his country would be saved.

Such were the outlines of Mr. Fox's bill, and the arguments by which he supported it. The opponents of the measure admitted the necessity of a radical reform in the government of India; but, they contended, that the plan of reform which Mr. Fox meant to introduce was not a constitutional reform such as they could approve of, but a tyrannical overthrow of the most

most sacred principles of British jurisprudence, which they were therefore bound most strenuously to oppose. It was an attack, they said, on the most solemn charters, ratified by the faith of parliament; and was fraught with the most pointed mischief against the integrity of the British legislature. They regarded it, or they affected to regard it, as the fatal forerunner of some dreadful political change which was to destroy the balance of the constitution. The king, they said, did not hold his crown on a more solemn tenure, than the East India Company did their commercial and territorial rights* ; and they invidiously asked, if the company's charter was to be taken away, what security was there, that the charter of the bank of England, or of any other body corporate in the kingdom, might not equally be violated? What security could any individual have for his private property, if the rights and property of the company were thus to be torn from them? It was a stretch of authority to which they never could consent. If the bill passed, it would be a death warrant to all the charters, and immunities of corporations, and of individuals in Britain. These were the chief arguments, certainly not unanswerable ones, which were brought forward against the proposed (admitted on all hands unavoidable), violation of the company's charter. They were strongly urged

* "The charter, conveying the rights of the company, was conceived in the clearest and strongest terms that could be imagined; it was clearer, stronger, and better guarded in point of expression, than the act of settlement itself, which by God's blessing, had established the present royal family on the throne of England." Mr. W. (lord) Grenville's speech, November 20, 1783. "The right, by which our gracious sovereign holds the sceptre, is not more indisputably confirmed, than that by which the East India Company holds those deeds, and those territorial and commercial emoluments which the hand of oppression is now about to wrest from them." Mr. Pitt's speech on the same day.

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by all the opponents of Mr. Fox's scheme in parliament, and taken up with extraordinary warmth and alarm by the city of London, the bank of England, and other public bodies.

The next objection to the bill was, that it tended to increase the influence of the crown. On this point, however, there was a considerable difference of opinion among the opposers of the measure, some of them contending that it went to increase the influence of the crown, while others, with some plausibility, maintained, that it diminished the influence of the crown, in order to promote the interests of the ministers and their party. The latter opinion was the more generally prevalent, and seemed to have the most probable foundation, as the commissioners, to whom the unlimited powers given by the bill were to be entrusted, were, in the first instance, to be appointed by parliament, and to hold their places for a term of four years independent of the pleasure of the crown. At the head of them was a nobleman (earl Fitzwilliam) of the purest principles and most exalted character; and the other members of the board were persons of acknowledged talents and unblemished reputation; but it did not escape observation, that they were the particular friends of ministry; and it was argued, that if the administration should be dismissed, as the board would still continue, its influence might be dangerously exerted to thwart the measures of government. Mr. Fox, it was alledged, tired of the long and unprofitable opposition in which the greater part of his public life had hitherto been passed, was determined to guard against contingencies for the future, and to fix himself so firmly in power, by Indian influence and patronage, that neither the displeasure of the sovereign, nor the wishes of the people, should avail to remove him from office. The coalition,

tion, it was affirmed, had ruined his popularity; and, having wrested the government of England out of the king's hands, he was resolved to seize on India, in order to secure the continuance of his authority.

These objections against the bill, which divide themselves into two heads, *violation of charter, and increase of influence*, were ably refuted by Mr. Fox, on the second reading of the bill. Having been accused of deserting his principles, he said, " If the history of my life were to be searched, this would be found the period in which I have struggled most for the cause of liberty. Freedom, according to my conception of it, consists in the safe and sacred possession of a man's property, governed by laws defined and certain; with many personal privileges, natural, civil, and religious, which he cannot surrender without ruin to himself; and of which to be deprived by another power, is despotism. This bill, instead of subverting, is destined to stabilitate these principles; instead of narrowing the basis of freedom, it tends to enlarge it; instead of suppressing, its object is to infuse and circulate the spirit of liberty.

" What is the most odious species of tyranny? Precisely that which this bill is meant to annihilate. That a handful of men, free themselves, should execute the most base and abominable despotism over millions of their fellow creatures; that innocence should be the victim of oppression; that industry should toil for rapine; that the harmless labourer should sweat, not for his own benefit, but for the luxury and rapacity of tyrannic depredation. In a word, that thirty millions of men, gifted by Providence with the ordinary endowments of humanity, should groan under a system of despotism, unmatched in all the histories of the world.

What is the end of all government? Certainly the happiness of the governed! Others may hold other opinions; but this is mine, and I proclaim it. What are we to think of a government, whose good fortune is supposed to spring from the calamities of its subjects, whose aggrandisement grows out of the miseries of mankind? This is the kind of government exercised under the East India Company upon the natives of Hindostan; and the subversion of that infamous government is the main object of the bill in question. But in the progress of accomplishing this end, it is objected that the charter of the company should not be violated: upon this point, sir, I shall deliver my opinion without disguise. A charter is a trust to one or more persons for some given benefit If this trust be abused, if the benefit be not obtained, and that its failure arises from palpable guilt, or (what in this case is full as bad) from palpable ignorance or mismanagement, will any man gravely say, that trust should not be resumed, and delivered to other hands, more especially in the case of the East India Company, whose manner of executing this trust, whose laxity and languor produced, and tend to produce, consequences diametrically opposite to the ends of confiding that trust, and of the institution for which it was granted?—I beg gentlemen to be aware of the lengths to which their arguments upon the intangibility of this charter may be carried. Every syllable virtually impeaches the establishment by which we sit in this house, in the enjoyment of this freedom, and of every other blessing of our government. These kind of arguments are batteries against the main pillar of the British constitution. Some men are consistent with their own private opinions, and discover the inheritance of family maxims, when they question the principles of the revolution; but I have no scruple in subscribing to the articles of that creed which produced it. Sovereigns are sacred, and reverence is due to every king; yet, with all my attach-

ments to the person of a first magistrate, had I lived in the reign of James the second, I should most certainly have contributed my efforts, and borne part in those illustrious struggles, which vindicated an empire from hereditary servitude, and recorded this valuable doctrine, that *trust abused was revocable*. No man will tell me, that a trust to a company of merchants stands upon the solemn and sanctified ground by which a trust is committed to a monarch; and I am at a loss to reconcile the conduct of men who approve that resumption of violated trust, which rescued and re-established our unparalleled and admirable constitution, with a thousand valuable improvements and advantages at the revolution, and who, at this moment, rise up the champions of the East India Company's charter, although the incapacity and incompetence of that Company to a due and adequate discharge of the trust reposed in them by that charter, are themes of ridicule and contempt to all the world; and although, in consequence of their mismanagement, connivance, and imbecility, combined with the wickedness of their servants, the very name of an Englishman is detested, even to a proverb, through all Asia, and the national character is become degraded and dishonoured. To rescue that name from odium, and to redeem this character from disgrace, are some of the objects of the present bill; and gentlemen should indeed gravely weigh their opposition to a measure, which, with a thousand other points not less valuable, aims at the attainment of these objects.

"Those who condemn the present bill as a violation of the chartered rights of the East India Company, condemn, on the same ground, I say again, the revolution as a violation of the chartered rights of King James II. He, with as much reason, might have claimed the property of dominion; but what was the language of the people? 'No, you have no property in dominion;

dominion was vested in you, as it is in every chief magistrate, for the benefit of the community to be governed; it was a sacred trust delegated by compact; you have abused the trust; you have exercised dominion for the purposes of vexation and tyranny—not of comfort, protection, and good order; and we therefore resume the power which was originally ours; we recur to the first principles of all government, the will of the many; and it is our will that you shall no longer abuse your dominion.' The case is the same with the East India Company's government over a territory of 280,000 square miles in extent, nearly equal to all Christian Europe, and containing 30,000,000 of the human race. It matters not whether dominion arise from conquest, or from compact. Conquest gives no right to the conqueror to be a tyrant; and it is no violation of right to abolish the authority which is misused*."

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* The objections against the violation of the company's charter were ably refuted on the same day by Mr. Burke, the vigorous powers of whose mind had been turned for a series of years to the investigation of Indian affairs, and who was perhaps better acquainted with the politics of the East, in all their details, than any man in the house. "The phrase of *the chartered rights of men*," said this eloquent speaker, "which has been used as an objection to this bill, is full of affection; and very unusual in the discussion of privileges conferred by charters of the present description. But it is not difficult to discover what end that ambiguous mode of expression, so often reiterated, is meant to answer.

"The rights of men, that is to say, the natural rights of mankind, are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are farther affirmed and declared by express covenants; if they

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With regard to the increase of influence which the bill would confer, Mr. Fox argued the point with his usual acuteness. "Much of my life," said

are clearly defined and secured against chicane, against power and authority by written instruments and positive engagements, they are in a still better condition: they partake not only of the sanctity of the object so secured, but of that solemn public faith itself, which secures an object of such importance. Indeed this formal recognition, by the sovereign power, of an original right in the subject, can never be subverted, but by rooting up the holding radical principles of government, and even of society itself. The charters, which we call by distinction *great*, are public instruments of this nature; I mean the charters of King John and King Henry the third. The things secured by these instruments may, without any deceitful ambiguity, be very fitly called the *chartered rights of men.*

"These charters have made the very name of a charter dear to the heart of every Englishman. But, sir, there may be, and there are, charters, not only different in nature, but formed on principles the *very reverse* of those of the great charter. Of this kind is the charter of the East India Company. *Magna Charta* is a charter to restrain power, and to destroy monopoly. The East India charter is a charter to establish monopoly, and to create power. Political power and commercial monopoly are not the rights of men; and the rights derived to them from charters, it is fallacious and sophistical to call the chartered rights of men. These chartered rights (to speak of such charters, and of their effects, in terms of the greatest possible moderation) do at least suspend the natural rights of mankind at large; and in their very frame and constitution are liable to fall into a direct violation of them.

"It is a charter of this latter description (that is to say a charter of power and monopoly) which is affected by the bill before you. This bill, sir, does, without question, affect it; it does affect it essentially and substantially. But having stated to you of what description the chartered rights are, which this bill touches, I feel no difficulty at all in acknowledging those chartered rights in their fullest extent. They belong to the company

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said he, "has been employed to diminish the inordinate influence of the crown. In common, with others, I succeeded, and I glory in it. To support

in the surest manner; and they are secured to that body by every sort of public sanction. They are stamped by the faith of the king; they are stamped by the faith of parliament; they have been bought for money—for money honestly and fairly paid; they have been bought for valuable consideration over and over again.

"I therefore freely admit to the East India Company their claim to exclude their fellow subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling; to command an army of sixty thousand men; and to dispose (under the control of a sovereign, imperial discretion, and with the due observance of the natural and local law) of the lives and fortunes of thirty millions of their fellow creatures. All this they possess by charter, and by acts of parliament (in my opinion), without a shadow of controversy.

"Those who carry the rights and claims of the company the farthest, do not contend for more than this; and all this I freely grant. But, granting all this, they must grant to me, in my turn, that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and, for so much, a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit.

"If this is true with regard to every species of political dominion, and every description of commercial privilege, none of which can be original, self-derived rights, or grants for the mere private benefit of the holders, then such rights or privileges, or whatever else you chuse to call them, are all in the strictest sense a *trust;* and it is of the very essence of every trust to be rendered *accountable;* and even totally to *cease*, when it substantially varies from the purpose for which alone it could have a lawful existence.

"This I conceive, sir, to be true, of the fruits of power vested in the highest hands, and

support that kind of influence which I formerly subverted, is a deed of which I shall never deserve to be accused. The affirmation with which I first

and of such as seem to hold of no human creature. But about the application of this principle to subordinate, *derivative* trusts, I do not see how a controversy can be maintained. To whom then would I make the East India Company accountable? To parliament, assuredly, from whom their trust was derived; to parliament, which alone is capable of comprehending the magnitude of its objects, and its abuse; and alone capable of an effectual legislative remedy. The very charter, which is held out exclude parliament from correcting malversations with regard to the high trust vested in the company, is the very thing which at once gives a title, and imposes a duty on us to interfere with effect, whenever power and authority, originating from ourselves, are perverted from their purposes, and become instruments of wrong and violence.

"If parliament, sir, had nothing to do with this charter, we might have some sort of epicurean excuse to stand aloof, indifferent spectators of what passes in the company's name in India and in London. But if we are the very cause of the evil, we are in a special manner engaged to the redress; and for us passively to bear with oppressions committed under the sanction of our own authority, is, in truth and reason, for this house to be an active accomplice in the abuse.

"That the power notoriously, grossly abused, has been bought from us, is very certain. But this circumstance, which is urged against the bill, becomes an additional motive for our interference, lest we should be thought to have sold the blood of millions of men, for the base consideration of money. We sold, I admit, all that we had to sell; that is, our authority, not our controul. We had not a right to make a market of our duties.

"I ground myself, therefore, upon this principle—that if the abuse is proved, the contract is broken, and we re-enter into all our rights; that is, into the exercise of our duties. Our own authority is indeed as much a trust originally, as the company's authority

I first introduced this plan, I now repeat ; I re-assert that this bill as little augments the influence of the crown, as any measure which can be devised for the government of India, that presents the slightest promise of solid success, and that it tends to increase it in a far less degree than the bill proposed by the learned gentleman (Mr. Dundas). The very genius of influence consists in hope or fear ; fear of losing what we have, or hope of gaining more. Make these commissioners removeable at will, and you set all the little passions of human nature afloat. If benefits can be derived from the bill, you had better burn it than make the duration of the bill short of the time necessary to accomplish the plans it is destined for. That consideration pointed out the expediency of a fixed period ; and in

authority is a trust derivatively ; and it is the use we make of the resumed power that must justify or condemn us in the resumption of it. When we have perfected the plan laid before us by the right honourable mover, the world will then see what it is we destroy, and what it is we create. By that test we stand or fall ; and by that test I trust it will be found in the issue, that we are going to supersede a charter abused to the full extent of all the powers which it could abuse, and exercised in the plenitude of despotism, tyranny, and corruption ; and that in one and the same plan, we provide a real chartered security for the *rights of men*, cruelly violated under that charter.

" This bill, and those connected with it, are intended to form the *Magna Charta* of Hindostan. Whatever the treaty of Westphalia is to the liberty of the princes and free cities of the Germanic empire, and to the three religions there professed,——whatever the great charter, the statute of tallage, the petition of rights, and the declaration of rights, are to Great Britain, these bills are to the people of India. Of this benefit, I am certain, their condition is capable ; and when I know that they are capable of more, my vote shall most assuredly be for our giving to the full extent of their capacity of receiving ; and no charter of dominion shall stand as a bar in my way to their charter of safety and protection." Mr. Burke's Works, edit. 4to. p. 330 et seq.

this respect it accords with the principle of the learned gentleman's bill, with this superior advantage, that instead of leaving the commissioners liable to all the influence which springs from the appointment of a governor general removeable at *pleasure*, this bill invests them with the power *for the time specified* upon the same tenure that British judges hold their station, removeable upon delinquency, punishable upon guilt, but fearless of power if they discharge their trust, liable to no seducement, and with full time and authority to execute their functions for the common good of the country, and their own glory.

" The state of accusations against me upon this subject of *influence*, is truly curious. The learned gentleman (Mr. Dundas), in strains of emphasis, declares, that this bill diminishes the influence of the crown beyond all former attempts, and calls upon those who formerly voted with him in support of that influence against our attempts to reduce it, and who now sit near me, to join him now in opposing my attempts to diminish that darling influence. He tells them, I *out Herod Herod;* and that I am out doing all my former out doings; and proclaims me as the merciless and insatiate enemy of the influence of the crown.

" Down sits the learned gentleman, and up starts an honourable gentleman, with a charge against me, of a nature the direct reverse. I have fought under your banner, cries the honourable gentleman (Mr. Martin), against that fell giant, the influence of the crown; I have bled in that battle which you commanded, and have a claim upon the rights of soldiership. You have conquered through us; and now that victory is in your arms, you turn traitor to our cause, and carry over your powers to the enemy. The fiercest of your former combatants in the cause of in-

fluence, falls far short of you at this moment; your attempts in re-erecting this monster, exceed all the exertions of your former foes. This night you will make the influence of the crown a colossus, that shall bestride the land, and crush every impediment. I impeach you for treachery to your ancient principles—come, come, and divide with us!

"This honourable gentleman, after a thrust or two at the coalition, sits down; and whilst the house is perplexing itself to reconcile these wide differences, the right honourable gentleman over the way (Mr. Pitt) confounds all past contradictions, by combining, in his own person, these extravagant extremes. He acknowledges that he has digested a paradox, and a paradox well he might call it, for never did a grosser one puzzle the intellects of a public assembly. By a miraculous kind of discernment he has found out, that the bill both *increases and diminishes* the influence of the crown.

"The bill diminishes the influence of the crown, says one; you are wrong, says a second, it increases it: you are both right says a third, for it both increases and diminishes the influence of the crown. Now as most members have one or other of these opinions upon the subject, the honourable gentleman can safely join with all parties upon this point; but few, I trust, will be found to join him.

"Thus, sir, is this bill combated, and thus am I accused. The nature and substance of these objections I construe as the strongest comment on the excellence of the bill. If a more rational opposition *could* be made to it, no doubt it would. The truth is, it increases the influence of the crown, and the influence of party as little as possible; and if the reform

of

of India, or any other matter, is to be postponed until a scheme be devised, against which ingenuity, ignorance, or caprice, shall not raise objections, the affairs of human life must stand still."

Mr. Fox, after recapitulating the heads of his bill, and placing in the strongest light the improbability that powers conferred by it should be abused in the hands of such men as earl Fitzwilliam, concluded with replying in a most pointed manner to Mr. Pitt, who had declared, that "he would stake his character upon the danger of the bill." "I meet the right honourable gentleman in his own phrase," said Mr. Fox, "and oppose him, character to character; I risk my all upon the excellence of this bill; I risk upon it whatever is most dear to me, whatever men value most, the character of integrity, of talents, of honour, of present reputation, and future fame; these, and whatever else is precious to me, I stake upon the constitutional safety, the enlarged policy, the equity, and the wisdom of this measure, and have no fear in saying (whatever may be the fate of its authors) that this bill will produce to this country every blessing of commerce and revenue; and that by extending a generous and humane government over those millions whom the inscrutable destinations of Providence have placed under us in the remotest regions of the earth, it will consecrate the name of England amongst the noblest of nations."

In the course of this day's debate, Mr. Burke, who was then united to Mr. Fox by the strongest ties of friendship, concluded a speech of nearly three hours continuance, from which we have already made some extracts, with the following warm and eloquent panegyric on the character of his illustrious friend.—"Having done my duty to the bill," said the orator,

" let me now say a word of the author. I should leave him to his own noble sentiments, if the unworthy and illiberal language with which he has been treated, beyond all examples of parliamentary liberty, did not make a few words necessary, not so much in justice to him, as to my own feelings. I must say, then, that it will be a distinction honourable to the age, that the rescue of the greatest number of the human race that were ever so grievously oppressed, from the greatest tyranny that was ever exercised, has fallen to the lot of abilities and dispositions equal to the task ;—that it has fallen to one who has the enlargement to comprehend, the spirit to undertake, and the eloquence to support, so great a measure of hazardous benevolence. His spirit is not owing to his ignorance of the state of men and things: he well knows what snares are spread about his path, from personal animosity, from court intrigue, and possibly from popular delusion: but he has put to hazard his ease, his security, his interest, his power, even his darling popularity, for the benefit of a people whom he has never seen. This is the road that all heroes have trod before him. He is traduced and abused for his supposed motives. He will remember, that obloquy is a necessary ingredient in the composition of all true glory: he will remember, that it was not only in the Roman customs, but it is in the nature and constitution of things, that calumny and abuse are essential parts of triumph. These thoughts will support a mind, which only exists for honour, under the burthen of temporary reproach. He is doing indeed a great good; such as rarely falls to the lot, and almost as rarely coincides with the desires, of any man. Let him use his time. Let him give the whole length of the reins to his benevolence. He is now on a great eminence where the eyes of mankind are turned to him. He may live long, he may do much. But here is the summit. He can never exceed what he does this day.

" He

" He has faults ; but they are faults that, though they may in a small degree tarnish the lustre, and sometimes impede the march of his abilities, have nothing in them to extinguish the fire of great virtues. *In those faults there is no mixture of deceit, of hypocrisy, of pride, of ferocity, of complexional despotism, or want of feeling for the distresses of mankind.* His are faults which might exist in a descendant of Henry IV. of France, as they did exist in that father of his country. Henry IV. wished that he might live to see a fowl in the pot of every peasant of his kingdom. That sentiment of homely benevolence was worth all the splendid sayings that are recorded of kings. But he wished, perhaps, far more than could be obtained, and the goodness of the man exceeded the power of the king. But this gentleman, a subject, may this day say at least, with truth, *that he secures the rice in his pot to every man in India.* A poet of antiquity thought it one of the first distinctions to a prince whom he meant to celebrate, that, through a long succession of generations, he had been the progenitor of an able and virtuous citizen, who, by force of the arts of peace, had corrected governments of oppression, and suppressed wars of rapine.

" Indole proh ! quanta juvenis, quantum daturus
" Ausoniæ populis ventura in sæcula civem !
" Ille super Gangem, super exauditus et Indes,
" Implebit terras voce ; et furialia bella
" Fulmine compescet linguæ.

" This was what was said of the predecessor of the only person to whose eloquence it does not wrong that of the mover of this bill to be compared. But the Ganges and the Indus are the patrimony of the fame of my honourable friend, and not of Cicero. I confess, I anticipate with joy

joy the reward of those, whose whole consequence, power, and authority, exist only for the benefit of mankind; and I carry my mind to all the people, and all the names and descriptions, that, relieved by this bill, will bless the labours of this parliament, and the confidence which the best house of commons has given to him who the best deserves it. The little cavils of party will not be heard where freedom and happiness will be felt. There is not a tongue, a nation, or religion in India, which will not bless the presiding care, and manly beneficence of this house, and of him who proposes to you this great work. Your names will never be separated before the throne of Divine Goodness, in whatever language, or with whatever rites, pardon is asked for sin, and reward for those who imitate the Godhead in his universal bounty to his creatures. These honours you deserve, and they will surely be paid, when all the jargon of influence, and party, and patronage, are swept into oblivion." "I have spoken what I think, and what I feel, of the mover of this bill. An honourable friend of mine, speaking of his merits, was charged with having made a studied panegyric. I don't know what his was. Mine, I am sure, is a studied panegyric; the fruit of much meditation; the result of the observation of near twenty years. For my own part, I am happy that I have lived to see this day: I feel myself overpaid for the labours of eighteen years, when at this period, I am able to take my share, by one humble vote, in the destroying a tyranny that exists to the disgrace of this nation, and the destruction of so large a part of the human species."

On a division of the house, at half past four in the morning, the numbers in favour of the bill amounted to 217—against it 103. On a third reading, on the 8th of December, the bill was carried by a majority of 208 to 102, and ordered to be sent to the house of lords. In the upper

upper house it was warmly opposed, at the first reading, by the duke of Richmond and lord Thurlow, who had been members of the former administration, but more particularly by earl Temple, who declared, "that he was happy to embrace the first opportunity of entering his protest against so infamous a bill; against a stretch of power so truly alarming, and that went near to seize upon the most inestimable part of our constitution—*our chartered rights.*" The bill, however, was ordered for a second reading on the 15th of December, without any division. The arguments brought forward by the lords against the bill did not differ materially from those urged in the commons.

In the mean time the interior cabinet, which had hitherto lent at least its seeming approbation to the bill, by some intrigue which probably will never be fully illucidated, became violently prejudiced against it; and earl Temple through whose instrumentality the intrigue was carried on, received, by a written authority, the king's permission to declare, "That his majesty should deem those who should vote for the bill not only not his friends, but his enemies; and if these words were not strong enough, earl Temple might use whatever words he might deem stronger or more to the purpose." This emphatical expression of the royal disapprobation was communicated without loss of time to that part of the peerage, the numerous *noble* servants of the royal house-hold or personages, whose hopes or fears rendered them peculiarly under the influence of the crown, and the effect of it was soon discerned, for on the second reading of the bill, which happened on the 15th of December, several lords of the above description, who had entrusted their proxies to the duke of Portland and his friends, withdrew them only a few hours before the house met, and others, whose support ministers had every reason to expect, voted, through

the interposition of this unconstitutional influence, on the side of opposition. A motion was made on that day for an adjournment, for the purpose of the further hearing of counsel against the bill, which was carried against the ministers by a majority of 87 against 79 votes. On the 17th of December it was moved, "That the bill be rejected," and this was carried by a still larger majority of 95 votes against the bill, to 76 who supported it.

The loss of this favourite measure proved fatal to the coalition ministry. At twelve o'clock on the following night, a royal message was sent to lord North and Mr. Fox, ordering, "That they should deliver up the seals of their offices, and send them by the under secretaries, Mr. Frazer, and Mr. Nepean, as a personal interview on the occasion would be disagreeable to the king:" and, early the next morning, letters of dismission, signed Temple, were sent, by his majesty's command, to the other members of the cabinet. At the same time a new administration was formed. Mr. Pitt was appointed first lord of the treasury and chancellor of the exchequer, and from that time might be considered as the efficient prime minister. Earl Gower was declared president of the council, and, on the resignation of earl Temple, who held the seals of secretary of state only three days, lord Sydney was appointed secretary for the home, and the marquis of Carmarthen for the foreign, department. Lord Thurlow was reinstated in the chancellorship; the duke of Rutland had the privy seal; lord Howe was placed at the head of the admiralty; and the duke of Richmond of the ordnance. In the inferior departments of the state an entire change likewise took place; the friends of the coalition were universally dismissed from their offices, and their places supplied by the retainers of the court, or the creatures of the new ministry.

Before

Before, however, the dismissal of ministers took place, the unprecedented interference of the crown to influence the deliberations of the upper branch of the legislature, was reprobated in the strongest terms in the house of commons, and a resolution was passed by a large majority, on the motion of Mr. Baker, member for Hertford, "That the house felt it necessary to declare, that to report any opinion, or pretended opinion of his majesty, upon any bill or other proceeding depending in either house of parliament, with a view to influence the votes of the members, was a high crime and misdemeanor, derogatory to the honour of the crown; a breach of the fundamental privileges of parliament, and subversive of the constitution of this country." This motion was made on the 17th of December, the day before the obnoxious ministry was dismissed, and the same day on which the India bill was lost in the house of lords. In the course of the debates which it occasioned, Mr. Fox ably and spiritedly defended the wisdom and propriety of that measure. No bill, he said, was ever more violently and systematically opposed, investigated at greater length, or with more ability: none had ever passed that house under the sanction of a more respectable and independent majority. How then did it succeed in the other house? What was the reception, which, thus circumstanced, it received from their lordships? Some degree of decency might have been expected from one branch of the legislature to another. That respectable independence which ought to be the leading feature in their decisions, is not incompatible with, but essential to such a mutual deference for the procedure of each, as must be the consequence of acting constitutionally. But how was this bill likely to be lost in the house of lords? Was it likely to be rejected by the voice of an independent majority? Could any man view the lords of the bed-chamber in that respectable light? Yet the whole fortune of the measure depended upon their determi-

tion. It was doubtless to be expected, that men in high office and of elevated rank, should prove themselves possessed of high and elevated sentiments; should join, to an exquisite sense of personal honour, the most perfect probity of heart; and should discover such strength and dignity of understanding, as might be expected from a superior education, the distinctions of fortune, and the example of the great and wise. But how did this description agree with the manner in which these peers had managed their proxies. Before the rumour of the king's displeasure reached their ears, they had cheerfully given their proxies to ministers; but the moment they receive intimation of it, in the same day, and in a few hours, matters appear to them in quite a different light, and the opinion which they embrace in the morning is renounced by noon.

" I am as ready as any man to allow," said Mr. Fox, " what is barely probable, that these lords might receive new convictions, which, like a miracle, operated effectually and at once; and that, notwithstanding their proxies, from such a sudden and extraordinary circumstance, without hearing any evidence or debate on the subject, they might feel an immediate and unaccountable impulse to make their personal appearance, and vote according to their consciences. Who would chuse to say that all this may not actually have been the case? There is certainly, however, a very uncommon coincidence in their lordships' peculiar situation, and this unexpected revolution of sentiment; and, were I disposed to treat the matter seriously, the whole compass of language affords no terms sufficiently strong and pointed to mark the contempt which I feel for their conduct! It is an impudent avowal of political profligacy! as if that species of treachery were less infamous than any other. It is not only a degradation of a station which ought to be occupied only by the highest and most

exemplary honour, but forfeits their claim to the character of gentlemen, and reduces them to a level with the meanest and basest of the species: it insults the noble, the ancient, and the characteristic independence of the English peerage, and is calculated to traduce and vilify the British legislature in the eyes of all Europe, and to the latest posterity. By what magic nobility can thus charm vice into virtue, I know not, nor wish to know; but in any other thing than politics, and among any other men than lords of the bed-chamber, such an instance of the grossest perfidy would, as it well deserves, be branded with infamy and execration.

"Can any thing, then, be more plain and obvious, than that his great, this important, this urgent measure, is become the handle of a desperate faction, whose principal object is power and place? It is the victim not of open and fair reasoning, but of that influence which shuns the light and shrinks from discussion; for those, who pledged their honour in its support, from an acknowledged conviction of its rectitude, propriety, and utility, have broken that faith, and relinquished their own judgments, in consequence of a rumour that such a conduct would be personally resented by the sovereign. What bill, in the history of parliament, or this country, was ever so traduced, so foully misrepresented, and betrayed in its passage through the different branches of the legislature; the stroke which must decide the contest, cannot come from its real enemies, but its false friends; and its fate, without example in the annals of this house, will be handed down to the remotest posterity, not as a trophy of victory but a badge of treachery."

On the rejection of the India bill by "an infamous string of bed-chamber janissaries," as the titled opponents of the measure were con-

temptuously and indignantly styled; and the consequent dismission of the coalition-administration, with some extraordinary marks of personal displeasure on the part of the sovereign, the house of commons came to various strong resolutions in support of their privileges, which were conceived to be attacked by the formation of a ministry which did not possess their confidence. An address, in the first instance, was voted to the king, stating, "that alarming reports of an intended dissolution of parliament had gone forth, and humbly representing to his majesty the inconveniences and dangers of a prorogation or dissolution of parliament in the then situation of affairs; and also entreating the sovereign to hearken to the advice of that house, and not to the secret advice of particular persons who might have private interests of their own separate from the true interests of the king and people." Soon after the house adjourned for the usual Christmas recess to the 12th of January.

After the recess, Mr. Fox, in a committee on the state of the nation, moved two resolutions, one prohibiting the issue of any other public money from the treasury, exchequer, or bank of England, after a prorogation or dissolution of parliament, unless the supplies should be previously appropriated by act of parliament: the other deferring the second reading of the mutiny bill to the 23d day of February. The object of these resolutions was to render a dissolution of parliament impracticable, and, though warmly opposed by Mr. Pitt and his friends, they were carried without a division.

Two resolutions of a more direct and hostile nature to the ministry were then moved by the earl of Surrey—1. "That in the present situation of his majesty's dominions, it was peculiarly necessary that there should be an administration which had the confidence of that house and the public."

2. "That

2. "That the late changes in his majesty's councils had been immediately preceded by dangerous and universal reports, that the sacred name of the king had been unconstitutionally used to affect the deliberations of parliament; and that the appointments made were accompanied by circumstances new and extraordinary, and such as did not conciliate or engage the confidence of that house." These motions were carried by a majority of 196 to 142 voices.

In the course of the debates on the earl of Surrey's motions, it was mentioned by a member of the house (General Ross), that a few days before, one of the lords of the bed-chamber, whom he afterwards stated to be the earl of Galloway, had desired to see him at his house, where the noble lord told him that if he voted against the new administration, he would be considered as *an enemy to the king*. This information, though no proceedings were adopted in consequence of it, appeared to have great weight in the determinations of the independent members of the house.

On the 16th of January, lord Charles Spencer moved; "That the continuance of the present ministers in trusts of the highest importance and responsibility, was contrary to the principles of the constitution, and injurious to the interests of his majesty and his people." In the debates on this motion, Mr. Fox admitted, in the fullest extent, the right of the crown to chuse its own ministers, but insisted also that it was the privilege of parliament to decide on the conduct of ministers, on the peculiarity of their introduction into office, and on those circumstances which either entitle them to the confidence or reprobation of the house. On a division there appeared for the motion 205, against it 184.

About

About this period various meetings of respectable and independent members of the house of commons, unconnected with the rival leaders, were held at the St. Alban's Tavern, for the purpose of effecting a coalition of parties. Addresses were presented from these gentlemen, who amounted to near eighty in number, to the duke of Portland and Mr. Pitt, expressive of their anxiety to have an administration formed on liberal and comprehensive principles, and entreating them to communicate with each other on the arduous situation of public affairs, trusting, that by a frank and unreserved intercourse between them, every impediment might be removed to a cordial co-operation of great and respectable characters, acting on the same public principles, and entitled to the support of independent and disinterested men.

In answer to this application, both parties expressed themselves desirous of complying with the wishes of so respectable a meeting; but the duke of Portland conceived, that an interview with Mr. Pitt could not possibly tend to an union, as long as that gentleman remained in his ministerial capacity, in defiance of the resolution of the house of commons of the 16th of January, above quoted. On the other hand, Mr. Pitt declined resigning, either actually, or, as it was afterwards suggested, virtually, as a preliminary to negociation; and consequently the attempt at an union of parties was stopped in the threshold of the business.

But, that the pride or obstinacy of the minister might not pass unreprehended, on the 2d of February, after a motion had been carried unanimously, "That the present arduous and critical situation of public affairs required the exertions of a firm, efficient, extended, and united administration, entitled to the confidence of the people, and such as might have

have a tendency to put an end to the unfortunate divisions and distractions of this country," a second resolution was proposed, declaring, "That the continuance of the present ministers in office was an obstacle to a firm, efficient, extended, and united administration."

It was remarked by Mr. Fox, in the course of the debates on these resolutions, that the present contest was not against men, but ministers unconstitutionally called into office. The punctilio which required to be adjusted was, in fact, between that house and the servants or servant of the crown; and the question to be decided, was, whether the minister's opinion and authority, or that of the house of commons, was to prevail? The prerogatives of the crown had been mentioned, as not a little affected by the proceedings of that house. He was sorry it had so happened that the distinction which the constitution had established between a free and an absolute monarchy, required so often to be stated. The most consummate ruin, he declared, would be the inevitable and immediate consequence of carrying any of those prerogatives which distinguish the respective estates of the constitution to excess. But was that house on all occasions constantly to be overawed by prerogative? Were the royal powers which the constitution vested in the crown intended to have such an operation? No man, he trusted, would hold such opinions; no man dared to hold such language in a free parliament.

The prerogatives of the commons were many; but who would affirm that they were intended to act in a manner opposite to, or inconsistent with, the public welfare? It was precisely the same case in both. His majesty undoubtedly had the power of chusing his own ministers, and the house of commons of assigning the supplies. But were the one to take into

into his service any men, or set of men, most desirable to the royal inclination, without any regard to how such an appointment might operate on the public, might not the house, with the same propriety, withhold the purse of the people? Both extremes were to be avoided, because equally injurious to the public welfare, and that constitution, which depends on the tendency of all its separate and combined virtues to one great and substantial object.

This he stated to shew, how carefully the several powers of the constitution guarded against that proneness to abuse which adhered to all executive governments; and we were undoubtedly taught by it this lesson, that the crown was endowed with no faculty whatever of a private nature; that all its functions were instituted for public benefit; and that whenever they were otherwise employed, the constitution and the country were essentially affected.

But it might be asked, why had that house so much interest in the choice of ministers? And why were all the operations of the constitution endowed with this public tendency? The reason, which, to his mind, was perfectly satisfactory, was, that as the business of the public were only so many actions of confidence and trust, the minister was consequently under the necessity of possessing the good opinion of the house of commons in an eminent degree, in order to be enabled to conduct an active and vigorous government.

Mr. Fox then proceeded to state the cases in which it was peculiarly necessary that the minister should possess the confidence of the house of commons. These related principally to voting money upon estimates, which,

which, he contended, the commons could not with propriety do, unless they had a perfect confidence in the men by whom they were made.

The great obstacle to that desirable union of parties which so respectable a body of individuals in that house had so much at heart, was, he declared, the conduct of the right honourable gentleman (Mr. Pitt), who refused to resign a situation, in which it were treachery to the house, to the public, and to the constitution, to admit his continuance. The resolutions of the commons were opposed to the appointment of the crown. Whether, therefore, were the commons to be supported in opposition to the minister, or the minister in opposition to the commons? Would such a competition bear a question in that house? The dignity of the house could not yield to him, nor to any individual whatever——. The minister owed his appointment to an undue influence, which he had ever struggled against, and would continue to struggle against while he had a seat in that house; and he was surprised that the right honourable gentleman, in opposition to a principle so plain and constitutional, should continue, as he did, to bid defiance to that majority in parliament by which their decisions were regulated, and without which no minister had ever presumed to look the house of commons in the face. What could be his object? Did he expect that his own arm would bring salvation to an empire thus reduced by a principle to which the behaviour of the right honourable gentleman was so strong a confirmation? Could any doubt be entertained, but his noble friend (lord North) would still have been in office, but for his resolution to discountenance every appearance of that influence which was so perfectly unknown to the constitution. It was a dark, but powerful one, so occult in its operations, and yet so forcible at the same time, that no individual could ever be a match for it.

Surely were this pernicious evil ever to be redressed by an individual, the right honourable gentleman's noble father was equal to the task. He had at least more popularity, more talents, more success, than any other minister this country ever had; and he would undoubtedly have done much, but for one imperfection which he had always deemed his greatest. He trusted too much to his own superior abilities, which, transcendant as they were, that secret influence, which had done so much mischief ultimately, completely overcame at last. For his part, he was sincerely disposed to the same object. Secret influence had ever, and he hoped ever would have, his cordial abhorrence. But he would never go on a Quixotic errand, or forlorn hope, of thinking his single exertions equal to a task so enormous. This had determined him to unite with all the forces he could muster together, and the event proved how proper his precautions had been, and at the same time how ineffectual. This influence, while it continued in force, rendered all the efforts of the house, after any reformation in the constitution, nugatory and abortive; and it mattered not much, who were in, or who were out, while the system continued so perfect, unbroken, and connected throughout. It was this baneful system which had proved so prolific of calamities to this country; and to oppose such a system with effect, the house could not depart from the spirit it had assumed. Was it possible, after considering these things fairly and deliberately, to account for the obstinacy of the minister? What motive could prevail with him thus to tantalize the public, and insult that constitution which constituted our greatest excellence and glory? By what topics could the secret advisers of his majesty blind at once the minds of the master and servant? How was it possible for them to find any thing like reason in their persuasions and importunities on a point so obvious and notorious? Did they presume to tell the minister, that he would depart

depart from his dignity by acceding to the wishes of the house? Could he believe that such an idea would correspond with the sentiments of the right honourable gentleman, he should not think so highly of him as he did. Where was the condescension in yielding his own judgment to theirs, in prefering the collected wisdom of the house to his own understanding? In his mind, this would be paying that deference to parliament, which, instead of degrading him, would raise him in the opinion of all who had any solid regard for the constitution.

Was it then a lessening of majesty to suppose his choice in this instance to have proved thus abortive? "O foolish advisers of their king!" exclaimed Mr. Fox. "He whose only and most glorious throne is in the hearts of a loyal and grateful people, to be thus at variance with their representatives, does your advice peculiar credit! Ye would honour him with the foulest dishonour that ever can happen to a sovereign! We would make him respected all over the world; we would make him a blessing to his subjects; we would make his reign happy to himself, and happy to all who are interested in his prosperity; we would make him the glorious and patriotic monarch of a wise, contented, and pacific nation: but your counsels are the direct opposite of all this. How do you exhibit him all over Europe? Not as possessing the cordiality of his subjects, or in friendship or amity with that house, but as squabbling and contending against those on whom he depends, from whom his supplies originate, and without whom his prerogatives were insignificant and useless."

These things he thus stated, that the conduct of the house might not be misconstrued and coloured so as to abuse the public, and give an appearance to their actions contrary to the truth; for it was now as clear

and evident as language could make it, that it was not a contest between parties, or between any description of men, but between that house and some individuals who had thought themselves, from what motives nobody knew, in a condition to despise its resolutions, its laws, and its censures. This was therefore no private, no sinister contention, at least on one side, but an open one, in which the minister and the constitution were parties. It could therefore be no question with those who were firm friends of the one, whether they were connected with the other or not.—The constitution and secret influence were at odds, and the decision could not be very distant. He, for one, had exerted himself from the moment he came into public life, and he would, he trusted, continue his utmost for the utter annihilation of what had ever struck him as the greatest curse to which this unhappy country was subjected.

The way to power by this strange channel was totally inconsistent with the liberal genius of that freedom which had ever been the basis and glory of Englishmen. On this system what was a minister in the British house of commons, but a counsel for the crown, against the interest and inclination of the people, whose power in the scale of the constitution being thus annihilated, their representatives would sink to the meanest cyphers, and could only have permission to sit in that house, while a shadow of their concurrence was necessary to satisfy the demands of the crown. They would then find the measure of their insignificance complete; and the constitution, for which their ancestors fought and bled so gloriously and profusely, would perish by those very men whom they delegated to be its guardians.

In another part of the debate, the same evening, Mr. Fox said, "Attacks have

have been made on my popularity. My invasion of chartered rights has been held up as a stalking horse to the public. I have been charged with ambition. But on what grounds have these accusations been established? Have I ever set myself in defiance to this house? Have I ever sought power through the means of base corruption, or dark intrigue? No! my ambition has ever raised me above such modes of preferment. I have never sacrified my principles to my popularity, nor to my ambition. I have ever acted openly and fairly, I would rather be rejected, reprobated, and proscribed; I would rather be an outcast of men in power, and the follower of the most insignificant minority, than prostitute myself into the character of a mean tool of secret influence."

One of the great objections urged against Mr. Fox at this period was, that his personal love of power was so strong, that it would prevent him from ever suffering the government of the country to go on, unless he made a part of it. To this Mr. Fox replied, that it was a fact perfectly well known, even to the most violent of his opponets, that had personal power been his object, he might have possessed it again and again, if he would have stooped to the means to have obtained it. But if he had any wish for power, it was not that particular species of personal power for which he wished. The whole conduct of his life, the situation in which he stood, connected with a great and numerous body of men, whose principle it was to act upon the broad extended basis of public confidence, and not upon the narrow, pitiful, and destructive ground of private favour, must prove the falsehood of every assertion, that personal power was his object.—It had hitherto been objected against him, that he fought with too large a phalanx, that he came with so great a body, and with such numerous friends, that no door was scarce wide enough to admit them all. He thanked God

God that they were so numerous that they could not find a way through the passage to power, which was now the road to it. He did not therefore oppose the present administration for the sake of personal power; he opposed them, because they stood upon the ground of secret influence; because they stood upon the ground of the house of lords against the house of commons; because, by their continuance in office, they subverted every practical principle of the constitution of the country; because, at a time when a firm and efficient government was alone calculated to retrieve the country, they formed a government that was weak, insufficient, and feeble. Whoever wished for the liberty of the constitution, whoever wished for energy in the government, must equally unite in wishing the removal of the present administration. He who was a whig, and carried the principles of whiggism to extremity, must equally wish with a tory, who carried to an extreme the principles of toryism. A whig, who carried principles of whiggism to an extreme, might be said, in his enthusiastic, eager, and glorious love of freedom, to forget the true balance of the constitution. He might wish to give more to the popular part of the constitution, than was consistent with a vigorous, active, and efficacious executive government. He might carry his zeal in favour of liberty to an excess prejudicial to firmness and vigour. But let the extreme whig, however, forget vigour ever so much, or court liberty with the most anxious eagerness, he could never hope to obtain, nor to protect the cherished object of all his actions, without supporting the weight that house had held in the constitution, without a single exception, since the revolution: consistent with his principles, the extreme whig must wish the destruction of an administration formed in direct contradiction to every principle of constitutional liberty. On the other hand, a tory, who carried his principles to an extreme, and he did not mean that misled and deluded description

description of men, who, in the last century, had wished to support the misguided house of Stuart in all their wild pretensions to divine, hereditary, and indefeasible right, and had maintained their doctrines with arguments drawn from the unconstitutional tyranny of the house of Tudor, but those who reasoned rationally, though perhaps rather to a degree of excess upon their way of viewing the constitution. A tory, in the extreme principles of toryism, might be said to overlook the liberty of the subject in his desire of a vigorous, efficacious, and energetic government. But, however strong the bias of a tory might be to the extreme principle of his party, he must agree with him in this, that there could be no energy, no vigour, no activity, no responsibility, none of those strong and powerful exertions which he wished to promote, while the present administration remained. Such a tory must see, that with their continuance, weakness, insufficiency, want of real, solid, and useful exertion, must distinguish the executive power. The whig, therefore, as well as the tory, and the tory equally with the whig, however opposite their principles, although the one overlooked vigour in his search for liberty, and although the other might be said to overlook liberty in his search for a vigorous government, both must equally agree, that to obtain their favourite and darling objects, the removal of the present administration was essential, because while they continued in office, there was neither freedom of constitution, nor energy of government. The true, solid, and uncontrovertible basis, upon which a firm and efficacious government was to be built, was the confidence of that house. Every act of ministers, as he had said again and again, was founded in confidence: not in the mere abstract meaning of the word, but in the solid, actual, and constant exercise of substantial confidence.

Mr. Fox then proceeded to draw a melancholy picture of the state of

of the nation, of our relations with foreign powers, and, above all, of the necessity of the adoption of speedy measures for the better regulation of the British empire in India. Could any of these objects, he asked, be accomplished, in the present situation of the country? There was yet strength enough left to render the country great and important amidst the nations that surround us, but our strength could not be exerted unless the executive power possessed the confidence of that house.

Throughout the whole of the parliamentary proceedings of this interesting and extraordinary period, Mr. Fox appears to have acted under the impression of a sincere and unequivocal spirit of conciliation. There was nothing that a man of principle and honour could have yielded to, which he did not repeatedly declare his willingness to concede. Much clamour had been excited against those provisions of his India bill, which removed the patronage of that wealthy empire from the hands in which it had hitherto been vested, and placed it under the control of commissioners of Mr. Fox's nomination. This obnoxious and unpopular feature of his bill, Mr. Fox declared himself ready to modify in any way to meet the views of his political opponents, provided that, whatever new system was adopted for the better government of India, it should have a fixed period for its operation, and not be liable to be changed at the will and pleasure of any new set of ministers, who might happen to come into office.

All Mr. Fox's advances, however, were treated by the minister, if not with supercilious disdain, at least, with mortifying coldness; nor did lord North's generous and disinterested offer to withdraw whatever pretensions he had to a share of power,——and the pretensions of this amiable, but unfortunate, statesman stood high, whether we consider his talents, or the

powerful host of friends who were bound to him by personal attachment —experience a more favourable reception from the new premier.

In the mean while the clamour against the coalition was artfully and industriously kept alive; and it must be admitted that the new administration, however unacceptable to the house of commons, possessed the good wishes of a majority of the nation out of parliament. The popular voice was in their favour, and they had the decided support of the great commercial corporations. The public opinion necessarily has great weight in a body so constituted as the British house of commons, and, as no means were left unresorted to, to procure the expression of it, so a correspondent effect was naturally produced on the commons. The firmness of the minister increased in proportion as the majorities of his opponents diminished, and to the second address of the commons to the throne, which was carried by a majority of twelve only, the king returned an answer to the following effect.

"I have already expressed to you how sensible I am of the advantages to be derived from such an administration as was pointed out in your unanimous resolution; and I assured you, that I was desirous of taking every step most conducive to such an object.

"I remain in the same sentiments, but I continue equally convinced, that it is an object not likely to be obtained by the dismission of my present ministers.

"I must repeat, that no charge, or complaint, nor any specific objection, is yet made aginst any of them. If there were any such grounds for

 their

their removal at present, it ought to be equally a reason for not admitting them as a part of that extended and united administration you state to be requisite.

" I did not consider the failure of my recent endeavours as a final bar to the accomplishment of the purpose which I had in view, if it could have been attained on those principles of fairness and equality, without which it can neither be honourable to those who are concerned, nor lay the foundation of such a strong and stable government as may be of lasting advantage to the country ; but I know no farther steps which I can take, that are likely to remove the difficulties which obstruct that desirable end.

" I have never called in question the right of my faithful commons to offer me their advice on every proper occasion, touching the exercise of any branch of my prerogative. I shall be ready, at all times, to receive and give it the most attentive consideration : they will ever find me disposed to shew my regard to the true principles of the constitution, and to take such measures as may best conduce to the satisfaction and prosperity of my subjects."

His majesty's answer was taken into consideration on the 8th of March, when the following representation, on the motion of Mr. Fox, was ordered to be presented to the king*.

* We may gather something of the value which Mr. Fox attached to this representation, and how much it was the desire of that great statesman to identify himself with the manly and constitutional sentiments it expresses, from the circumstance that the " Representation of the commons, March 8, 1784," and his " Bill for the better government of India,"

" That an humble representation be presented to his majesty, most humbly to testify the surprise and affliction of this house on receiving the answer which his majesty's ministers have advised to the dutiful and seasonable address of this house, concerning one of the most important acts of his majesty's government.

" To express our concern that when his majesty's paternal goodness has graciously inclined his majesty to be sensible of the advantage to be derived from such an administration as was pointed out in our resolution, his majesty should still be induced to prefer the opinions of individuals to the repeated advice of the representatives of his people in parliament assembled, with respect to the means of obtaining so desirable an end.

" To represent to his majesty that a preference of this nature is as injurious to the true interests of the crown, as it is wholly repugnant to the spirit of our free constitution ; that systems founded on such a preference are not in truth entirely new in this country ; that they have been the characteristic features of those unfortunate reigns, the maxims of which are now justly and universally exploded ; while his majesty and his royal progenitors have been fixed in the hearts of their people, and have commanded the respect and admiration of all the nations of the earth, by a constant and uniform attention to the advice of their commons, however adverse such advice may have been to the opinions of the executive servants of the crown.

India," are conspicuously introduced on a table which accompanies the excellent portrait of him painted by Sir Joshua Reynolds, not long afterwards, and of which an engraving has been published.

" To assure his majesty that we neither have disputed, nor in any instance mean to dispute, much less to deny, his majesty's undoubted prerogative of appointing to the executive offices of the state such persons as to his majesty's wisdom shall seem meet: but, at the same time, that we must, with all humility, again submit to his majesty's royal wisdom, that no administration, however legally appointed, can serve his majesty and the public with effect which does not enjoy the confidence of this house: that in his majesty's present administration we cannot confide: the circumstances under which it was constituted, and the grounds upon which it continues, have created just suspicions in the breasts of his faithful commons, that principles are adopted, and views entertained, unfriendly to the privileges of this house, and to the freedom of our excellent constitution; that we have made no charge against any of them, because it is their removal, and not their punishment, which we have desired; and that we humbly conceive we are warranted, by the ancient usage of this house, to desire such removal without making any charge whatever; that confidence may be very prudently with-held, where no criminal process can be properly instituted: that although we have made no criminal charge against any individual of his majesty's ministers, yet with all humility, we do conceive, that we have stated to his majesty very distinct objections, and very forcible reasons, against their continuance: that with regard to the propriety of admitting either the present ministers, or any other persons, as a part of that extended and united administration, which his majesty, in concurrence with the sentiments of this house, considers as requisite; it is a point upon which we are too well acquainted with the bounds of our duty, to presume to offer any advice to his majesty; well knowing it to be the undoubted prerogative of his majesty to appoint his ministers without any previous advice from either house of parliament; and our duty humbly to

to offer to his majesty our advice, when such appointments shall appear to us to be prejudicial to the public service.

" To acknowledge, with gratitude, his majesty's goodness, in not considering the failure of his recent endeavours as a final bar to the accomplishment of the gracious purpose which his majesty has in view, and to express the great concern and mortification with which we find ourselves obliged to declare, that the consolation which we should naturally have derived from his majesty's most gracious disposition, is considerably abated by understanding that his majesty's advisers have not thought fit to suggest to his majesty any farther steps to remove the difficulties which obstruct so desirable an end.

" To recall to his majesty's recollection, that his faithful commons have already submitted to his majesty, most humbly, but most distinctly, their opinion upon this subject; that they can have no interests but those of his majesty and of their constituents; whereas it is needless to suggest to his majesty's wisdom and discernment, that individual advisers may be actuated by very different motives.

" To express our most unfeigned gratitude for his majesty's royal assurances that he does not call in question the right of this house to offer their advice to his majesty on every proper occasion, touching the exercise of any branch of his royal prerogative, and of his majesty's readiness, at all times, to receive such advice, and to give it the most attentive consideration.

" To declare that we recognize in these gracious expressions those excellent

excellent and constitutional sentiments, which we have ever been accustomed to hear from the throne since the glorious æra of the revolution, and which have peculiarly characterized his majesty, and the princes of his illustrious house; but to lament that those most gracious expressions, while they inspire us with additional affection and gratitude towards his majesty's royal person, do not a little contribute to increase our suspicions of those men who have advised his majesty, in direct contradiction to these assurances, to neglect the advice of his commons, and to retain in his service an administration whose continuance in office we have so repeatedly and so distinctly condemned.

" To represent to his majesty, that it has anciently been the practice of this house to with-hold supplies until grievances were redressed, and that if we were to follow this course in the present conjuncture, we should be warranted in our proceeding, as well by the most approved precedents, as by the spirit of the constitution itself; but if, in consideration of the very peculiar exigencies of the times, we should be induced to wave for the present the exercise, in this instance, of our undoubted legal and constitutional mode of obtaining redress, that we humbly implore his majesty not to impute our forbearance to any want of sincerity in our complaints, or distrust in the justice of our cause.

" That we know, and are sure, that the prosperity of his majesty's dominions in former times has been, under Divine Providence, owing to the harmony which has for near a century prevailed uninterruptedly between the crown and this house. That we are convinced that there is no way to extricate this country from its present difficulties, but by pursuing the same system to which we have been indebted at various periods of our history for

for our successes abroad, and which is at all times so necessary for our tranquillity at home. That we feel the continuance of the present system to be an innovation upon that happy system.

"That we cannot but expect from their existence under the displeasure of this house, every misfortune naturally incident to a weak and distracted government; that if we had concealed from his majesty our honest sentiments upon this important crisis, we should have been in some degree responsible for the mischiefs which are but too certain to ensue.

"That we have done our duty to his majesty and our constituents in pointing out the evil, and in humbly imploring redress: that the blame and responsibility must now lie wholly upon those who have presumed to advise his majesty to act in contradiction to the uniform maxims which have hitherto governed the conduct of his majesty, as well as every other prince of his illustrious house; upon those who have disregarded the opinions, and neglected the admonitions of the representatives of his people, and who have thereby attempted to set up a new system of executive administration, which, wanting the confidence of this house, and acting in defiance to our resolutions, must prove at once inadequate, by its inefficiency, to the necessary objects of government, and dangerous, by its example, to the liberties of the people."

This representation was the last effort of the opposition to shake the power of the new administration, and was carried only by a majority of one. A few days afterwards all the supplies having been regularly voted, the parliament was prorogued, and on the 24th of March was dissolved by royal proclamation.

Mr. Fox immediately declared himself a candidate for the city of Westminster, and published the following addresses to the electors.

" Gentlemen,

" His majesty's ministers having thought fit, in contradiction to their own declarations, in defiance of the sense of the house of commons, and without any public pretence whatever, to subject the nation to all the inconveniences which must infallibly attend a dissolution of parliament at the present moment, I humbly beg leave, once more, to solicit the favour of your votes and interest, to represent this great and respectable city.

" To secure to the people of this country the weight which belongs to them in the scale of the constitution, has ever been the principle of my political conduct.

" Conscious that in every situation (whether in or out of office) I have invariably adhered to this system, I cannot but flatter myself that you will again give your sanction to those principles which first recommended me to your notice, and induced you, at two subsequent periods, to honour me with your suffrages.

" I have the honour to be, &c. &c.

" St. James's Street, March 24. C. J. Fox."

" To the worthy and independent electors of the city and liberty of
" Westminster.

" Gentlemen,

" When the present popular delusion in favour of the present ministry was supposed to be most prevalent, I was confident that the good sense and steadiness of the electors of Westminster would be proof against every art and every temptation.

" The unparalleled success which I have experienced upon my canvass, fully justifies this confidence ; and I have the greatest reason to expect that your partiality towards me will appear to have increased in proportion to the persecution of my enemies.

" As I have ever stood forth, and am resolved to continue firm to the cause of the people, so it is not to be wondered at that I should at all times be the object of the enmity of that pernicious faction whose principles are as adverse to the constitution, as the dark and secret manner in which they have endeavoured to enforce them.

" It would have been my most earnest wish to have paid my respects in person to every individual elector, if the extent of the city had not made it impossible.

" The very flattering reception I have met with among those whom I have had the opportunity of seeing, cannot but add to my regret upon this account.

" My public conduct is too well known to you to make any professions necessary; upon that ground I first experienced your partiality, upon that alone I can expect to retain it.

" To you who have approved it, I need say no more; and I will not be guilty of the unbecoming flattery to those who have differed from me, as to pretend that I shall in any degree deviate from that line of political conduct which first recommended me to your notice.

" Upon these tried principles, I beg leave once more to solicit your votes, interest and poll at the ensuing election; and I do assure you that no expressions can do justice to the sentiments of gratitude and esteem, with which

" I am, gentlemen, your most obedient
" and devoted servant,

" St. James's Street, March, 31, 1784. C. J. Fox."

The third address of Mr. Fox, which we shall preserve, appeared at an advanced stage of the poll, when no exertions were left unresorted to by the court party to effect the defeat of the popular candidate.

" St. James's Street, April 26, 1784.

" To the worthy and independent electors of the city and liberties of " Westminster.

" Gentlemen,

" The present state of the poll* exhibits a glorious example of what may be expected from the perseverance of independent men in the cause of liberty and the constitution.

" I beg leave most earnestly to solicit the continuance of your generous exertions in my favour. The importance of every individual vote is now sufficiently evident, and the number of electors who have assured me that they would come forward whenever it should appear that their vote might probably be decisive, leaves me in no doubt of success.

" The unprecedented exertions which the servants of the crown have thought themselves at liberty to make against me, as well by an indecent prostitution of the most sacred names, as by every other species of unconstitutional influence, have produced the effects naturally to be expected from such proceedings, by raising the spirit and awakening the indignation of every honest and independent elector.

" My public life is too well known to you to make any professions necessary. Those principles which brought about the glorious revolution, which seated his majesty's illustrious family upon the throne, and which

* Mr. Fox, at this period of the poll was in a minority of 28 below Sir Cecil Wray, but had gained on that day's poll a majority of 39 over the baronet.

have preserved the liberty of this constitution, have been the invariable rule of my political conduct.

" Upon these grounds I again presume to request your support, and if I should be happy enough to be re-elected representative of this great and respectable city, you may depend upon finding me a steady supporter of the whig cause, a determined enemy to that secret influence by which the present administration was created, and an unalterable friend to the rights of the people.

" I am, with every sentiment of gratitude and respect,

" Gentlemen, &c. &c.

" C. J. Fox."

The rival candidates with Mr. Fox on this occasion were lord Hood and sir Cecil Wray, Mr. Fox's colleague in the preceding parliament, who, chiefly through his influence, had been chosen to represent Westminster on the vacancy occasioned by the elevation of sir George Rodney to the peerage, and who now, not without the imputation of ingratitude, became the decided opponent of his former friend and patron. No election was probably ever more severely contested. Never did party spirit run higher. It was a trial of strength between the court and the people. The court put forth all its strength to oppose Mr. Fox, and the people were roused to a correspondent energy in support of the champion of their rights. The poll commenced on the first of April, and continued open till the seventeenth of May. A large volume has been collected of the pasquinades which this election produced, but time has evaporated the spirit of their wit, and they who look into the volume I allude to, will find

little in it but the coarse personalities and vulgar ribaldry which distinguished the saturnalia of an English election. But one feature of this contest must not be overlooked—the steady and zealous support which Mr. Fox received during the whole of the contest from the great whig families of England, and the honourable ardour with which his cause was espoused by females of the most distinguished rank. The house of Bentinck, then *sans honte*, the houses of Cavendish, Stanley, and Keppel, with many more illustrious whig names, true to the principles of their ancestors, lent the whole weight of their influence to support the cause of Mr. Fox; while the late amiable duchess of Devonshire, and other ladies of high birth, made an active and successful personal canvas in favour of the patriotic candidate.

At the conclusion of the poll the numbers were as follow :

For Lord Hood	-	-	6,694
For Mr. Fox	-	-	6,233
For Sir Cecil Wray		-	5,998

Being a majority of 235 votes in favour of Mr. Fox over sir Cecil Wray. But previous to the close of the poll, a scrutiny was demanded by sir Cecil Wray and his friends, which being acceded to by the high bailiff, notwithstanding the arguments and protests of Mr. Fox, no return was made of the representatives for the city of Westminster; and at the meeting of parliament in May, Mr. Fox, thus precluded from taking his seat in the house of commons as one of the representatives for Westminster, appeared as member for the Scotch boroughs of Dingwall and Kirkwall.

At

At the commencement of the session, before the usual motion for an address, Mr. Lee stated to the house the conduct of the high bailiff of Westminster, who had neglected to make a return to the writ of election, on pretence of not having finished the scrutiny into the legality of the votes, and concluded with moving a resolution, declaring it to be " his duty to return two citizens to serve for the said city." This motion, which was strenuously opposed by Mr. Pitt and the treasury bench, after a long debate, was negatived by a majority of 283 to 136: and a few days afterwards it was resolved on a motion of lord Mulgrave's, " that the high bailiff of Westminster do proceed in the scrutiny for the said city, with all practicable despatch."

In consequence of this resolution of the house, the high bailiff proceeded with the scrutiny during the remainder of the session, and during the recess. But the futility of the proceeding soon became obvious, and it was apparent to all dispassionate men, that it was persisted in for no other reason than to harass and insult the personal feelings of Mr. Fox. When parliament met again in January 1785, not quite two parishes, out of the seven into which Westminster is divided, were finished, and yet the scrutiny had then continued for eight months. It was calculated (taking into consideration that one of the parishes already scrutinized was extremely small) that the business at that time gone through, was not more than an eighth of the whole. Of the votes on the side of Mr. Fox, seventy-one had been objected to in the first parish, and the objections made good only against twenty-five; in the same parish, out of thirty-two of the voters for sir Cecil Wray, which were objected to, twenty-seven were declared illegal.

In

In the second parish, out of two hundred objected to, Mr. Fox lost eighty; sir Cecil Wray, out of seventy five, at that time objected to (for the examination was not closed) had sixty struck off.

In this state the Westminster scrutiny again came before the house, upon a petition of several of the electors, the 8th of February, when the high bailiff, and his counsel Mr. Hargrave and Mr. Murphy underwent a long examination at the bar of the house, respecting the practicability of carrying on the scrutiny, and the difficulties and delays attending the same. The high bailiff gave in evidence, that, calculating from what had already been done, it would take certainly not less, but much probably a longer time, than two years, to finish the scrutiny.

The following day the business was resumed, and Mr. Welbore Ellis, after arguing strongly on the illegality as well as the impolicy of the scrutiny, the impracticability of bringing the business to a final issue, in any moderate time, the heavy expence with which it was attended to the parties, the just and severe complaints of an injured city, and the insufficiency of the miserable court to which it was referred, concluded by moving "that it appearing to the house, that Thomas Corbet, Esq. high bailiff for the city of Westminster, having received a precept from the sheriffs of Middlesex for electing two citizens to serve in parliament for the said city; and having taken and finally closed the poll on the 17th day of May last, being the day next before the day of the return of the said writ, be now directed forthwith to make a return of his precept of members chosen in pursuance of it."

This

This motion was pertinaciously opposed by lord Mulgrave, Mr. Pitt, Mr. Dundas, sir Lloyd Kenyon (then master of the rolls) and all the leading members of the ministerial side of the house, who argued the subject not less warmly, than as if they had considered their existence in office to have depended on it: the other side was maintained with equal spirit and superior ability by Mr. Lee, Mr. Windham, whose powers of oratory was first displayed on this occasion, by lord North, Mr. Sheridan, Mr. Fox, and others.

Mr. Fox contended that the question before the house was, whether the scrutiny was legal? He would impeach it on three heads: Statute Law—the Practice of Parliament—and the Reason of the thing.—First, then, he argued that by statute, the writ was returnable on the day specified in it; and this would clearly appear from the act of Henry VI, by which an action of debt was given to a person aggrieved by any return; the act provided that such action, however, should be brought within three months after the meeting of parliament. Our ancestors, who formed that act, must have looked upon the meeting of parliament, and the return of the writ, as convertible propositions; or it would have been absurd in them to give a man an action which could be so easily defeated, if the practice introduced by the present parliament had prevailed in the days of Henry VI, for the sheriff not making any return till three months, or, as might be in the present case, three years after the meeting, no action could be brought against him, because by law it must be brought within three months after the meeting, or not at all.

The

The next statute he would mention, was that of William III. which made it absolutely necessary that the sheriff should make his return on or before the day of meeting. In this surely was virtually included every inferior returning officer, who, by making their returns to the sheriff, must enable him to obey his writ, and transmit it to the crown office in due time, before the opening of the session. It had been said by a learned judge (sir Lloyd Kenyon), that a writ for the election of a burgess during the sitting of parliament was not returnable within any limited time. The difference between that and the present case was very striking: the king was supposed best to know when a new parliament ought to meet, and, therefore, he summoned it to meet on the day which appeared to him most proper; and it was necessary that the commons should be fully represented before parliament proceeded to make laws; but it was different with respect to a vacancy made by death in a house of commons already sitting; for, the same reason for dispatch not prevailing, the act of William III. required only that the return should be made within fourteen days after the election; but by the new mode lately introduced, a scrutiny might be demanded or ordered, and as it was the continuation of the poll or election, the actual close of the poll not being deemed a conclusion of the election, the precept might be held even for years by the returning officer, notwithstanding the act of William III.

He next maintained that a scrutiny, protracted beyond the exigency of the writ, was contrary to the uniform and invariable practice of parliament. In the great Oxfordshire election, the sheriff granted a scrutiny, which lasted till the day before his writ was returnable, and then closed it, contrary to the wishes and entreaties of the parties who had demanded it: he then returned all the four candidates: the house was not angry with the

sheriff; on the contrary, it sat from day to day to determine who ought to have been returned as the sitting members, and pronounced in favour of Parker and Turner, against Dashwood and Wenman.

Lastly, he said, it was contrary to the reason of the thing; for if it was left in the power of returning officers to protract the return as they pleased (and who could find fault with or punish them, when they declared inexorable conscience to be the cause of delay?) a packed parliament might meet for shameful purposes; the members of Old Sarum, Midhurst, Thirske, Knaresborough, and the like, would take their seats, whilst the representatives of Westminster, Liverpool, Bristol, Newcastle, and every populous place, were not yet elected!

A scrutiny in itself was not a measure into which a returning officer was bound to go, except in the city of London, where a provision was made for it by a special act of parliament. If he was, why was not the sheriff of Bedfordshire punished by the house for refusing it? Why did not the house call to account the returning officers of Southwark, Lancaster, &c. who had also refused to grant a scrutiny. And here he begged leave to remark, that the doctrine broached by the right honourable gentleman, that "let the bad votes be on which side they might, a scrutiny ought to be granted," was truly dangerous; for in cases where the majorities were very small, as in Bedfordshire, where it was only of one, and in Southwark, where it consisted of eleven, &c. &c. a scrutiny demanded by the person who had the minority, and granted, would keep the legal members out of their seats, the electors unrepresented, and leave the members of decayed boroughs to transact the business for which such a parliament might have been packed. He had not a doubt then, that as this

this scrutiny was contrary to the statute law, to the practice of the house of commons immemorially, and to the reason of the thing, the only object that the minister could have in view was, to harass and persecute an individual, whom he had honoured, by distinguishing him from among a number of others, tomake him the victim of his resentment. He had always wished to stand well with the right honourable gentleman: he remembered the day he had first congratulated the house on the acquisition of his abilities; it had been his pride to fight side by side with him the battles of the constitution, little thinking that he would one day desert his principles, and lend himself to be the instrument of that secret influence which they had both combated so successfully. He might have been prepared to find a formidable rival in the right honourable gentleman; a rival that would leave him far behind him in the pursuit of glory; but he never expected that he could have descended so low, as to be the court persecutor of any man.

"I fancied," said Mr. Fox, alluding to his great rival, "I saw so much generosity of soul, so much elevation of mind, that so grovelling a passion as malice could not have found an asylum in his breast. If he thinks that it is merely for a seat in parliament that I am contending, he knows me not; but I was willing to take the hard task of stemming the tide of misrepresentation, that had artfully and studiously been disseminated through the kingdom: I was desirous that the citizens of Westminster, to whom my public measures were best known, who knew even my private foibles, as I had been bred and always lived among them, should pass judgment on my political conduct, and proud I am of the issue, which has taught the most distant parts of the kingdom that they were misled."

With regard to his election for Kirkwall, he assured the right honourable gentleman, who in the excess of his triumph had represented him as banished to Ultima Thule, that it was owing to an accident; and he declared upon his honour, that after he had heard that the greatest ornaments of this country had been sacrificed to the popular prejudices; when he heard that lord John Cavendish had been thrown out by the citizens of York, that general Conway, Mr. Coke, Mr. Baker, &c. had lost their elections, he was sorry that, by an election for any other place than Westminster, he had been robbed of the glory of suffering in such company. He saw plainly, he said, that it was a pecuniary contest, and that his friends were to be tired out by expence. The scrutiny on both sides could not cost less than 30,000l. a year: this was enough to shake the best fortunes. His own last shilling might be easily got at, as he was poor; but still, little as he had, he would spend it to the last shilling: if, in the end, he should lose his election, it would not be, he well knew, for want of a legal majority, but for want of money; and thus would he, perhaps, be deprived of his right, and the electors of Westminster of the man of their choice, because he was not able to carry on a pecuniary contest with the treasury. He would not, however, withhold from them the satisfaction of knowing, that, however zealous he and his friends might be, protraction must overcome them. His persecutors had only to be stubborn, and they must succeed. The present measure, with respect to Westminster, he said, he considered as a succedaneum to expulsion. The case of the Middlesex election, which had been so much reprobated, had at least the merit of being more manly; for here they accomplished the same end of expulsion, without daring to exhibit any charge against the person whom they expelled.

It had been alleged, that the bad votes had, on his part, been poured forth from the parishes of St. Margaret and St. John. Without dwelling on the circumstance that this had been said of every parish in its turn, he would appeal to the good sense of the house, and ask them whether they thought him or his agents so absurd or impolitic, as, even in the supposition of their using such means, that they should confine themselves to one parish only? Would they not at least have mixed their votes, and spread them over all the parishes, that they might the more probably pass unnoticed? Those who were willing to charge his agents with the iniquity of such means, would hardly suspect them of the folly of such an arrangement of the plan. Supposing, by the calculation of there being two hundred bad votes in one fourth part scrutinised, that in the end there would be eight hundred bad, was that any proof that his opponent would have a majority? Had any of the proceedings warranted such a belief? Certainly they had not; and when the minister, who, instead of an advocate, should have acted as a judge, mentioned St. Anne's parish, he should also have mentioned St. Martin's; but that he purposely forgot, because it would make against his calculation. In St. Anne's, where he stated the difference to be as five to three bad on the side of Mr. Fox, it was easily calculated, and would be found to be as seven to five; therefore, even supposing that sir Cecil Wray should strike off seven in every hundred of what he had polled, and he only five on every hundred of his opponent's, still he should have a majority of one hundred: for by that mode sir Cecil Wray would strike off four hundred and thirty four, and he should strike off three hundred; but in St. Martin's parish the difference, on the gross amount of the poll, was not more than thirty, and the number disqualified on each side would be equal.

But

But if the doctrine was suffered of returning officers having a right to make no return, on a scrutiny being demanded, and the appearance of bad votes would be sufficient grounds to demand a scrutiny, it would be in the breast of sir Cecil Wray, or any losing candidate, to pour in bad votes, for the purpose to give a colour for a scrutiny, and by that means keep a gentleman out of his seat for three or four years. Among the various parliamentary reforms, which the minister was pledged to bring forward, was one for shortening the duration of parliament; but by the maxim adopted, the election would last longer than the parliament. The right honourable gentleman (Mr. Pitt) had been arguing, he said, on false facts, and absurd hypotheses, and had not chosen to mention the delays occasioned by sir Cecil Wray's making wanton objections to votes that he could not sustain. And he must say of lord Hood, that he had been rather patient and submissive, if not negligent of the interests of the city which had so handsomely honoured him with their choice, in not striving to do them justice, in so far at least as his own seat was concerned. His election was unquestioned by all sides, and yet, under the same ridiculous and unwarrantable measure, he also was kept out of his seat, and Westminster continued totally unrepresented. He concluded with declaring, that if, to his astonishment, the house should be so infatuated by party as to forget what was due to the rights of election and the purity of representation, the question should not sleep. He assured them it should be brought on in one shape or another, again and again; and he had no doubt, ultimately, of seeing them come to a determination favourable to the people.

On a division of the house, the question for the continuance of the scrutiny was carried by a majority of 39; the numbers for it being 174; against it, 135.

The business of the Westminster election was again brought forward, on the 18th of February, by colonel Fitzpatrick, who presented a petition from the electors of Westminster, praying to be heard by counsel at the bar, in defence of their just rights and privileges, and to *state new facts*. The facts alluded to in the petition were, that since it had been alleged that Mr. Fox was particularly shy of going into a scrutiny of the parishes of St. Margaret and St. John, on which particular stress was laid in a former debate, being supposed to be those parishes in which Mr. Fox was most vulnerable, Mr. Fox's counsel had been instructed to express his perfect readiness to enter immediately into those parishes, but this proposition was refused by the counsel of sir Cecil Wray.

Nothing was better calculated to shew the inexpediency and futility of the Westminster scrutiny than this. But the ministerial prejudice was not yet got over, and the motion for calling in counsel in support of the allegations of the petition, was superseded by an amendment, moved by Lord Frederic Campbell, restraining the counsel from entering into any arguments against the legality of the scrutiny. It was argued by some of the members of administration, that the business of the Westminster election was brought forward merely to harass and vex ministers, and impede the business of government, and that the ghost of the Westminster scrutiny was doomed perpetually to haunt the house.

To this Mr. Fox replied, that it was far from his inclination and from his intention to impede the public business of the nation: he had been greatly misunderstood, when it had been imagined he had said, that there should be applications made to parliament every week on the subject of the Westminster scrutiny; he had never said any such thing; but this he had said,

said, that at every turn ministers would meet this scrutiny; they would find it standing in the way of a parliamentary reform, and defeating all its purposes; they would feel that it had raised suspicions of the minister's sincerity, in declaring himself the friend and patron of reform. It had been remarked that there were only a few names to the Westminster petition; he did not expect to have heard such a remark; for though he might have procured thousands of signatures, if he had invited the electors to a public meeting, he thought it would be better to present a petition with a few names, than to disturb the quiet of the city by convening a meeting in Westminster Hall. He was not at all surprised that ministers should wish to be fairly rid of the scrutiny; it was high time for them to blush at it. A learned gentleman (Mr. Dundas) said, "the house was haunted day and night by the ghost of the Westminster scrutiny." The learned gentleman had probably assisted at some splendid representations of late (Macbeth), in which the ghost of a guilty conscience haunted the misdoer: he might well catch the idea, and tremble for his house of commons that had murdered the electors of Westminster, and left them aërial forms and spiritual essences, without representatives: well might he be haunted by the ghost of the scrutiny; well might he fear it would push him and his friend from their stool. Where could he find a man who would not tell him he was tired of the scrutiny? Were not all the minister's friends tired of it? Did not their stomachs turn at it, not because it was nauseous from excessive sweetness, but from its extreme bitterness? Was there a learned man connected with the minister, who, out of that house, did not condemn, in the most pointed terms the beginning and prosecution of the scrutiny? He himself had heard, in another place (the court of King's Bench), a learned gentleman (Mr. Bearcroft), who knew how to treat with invective in the house the declared enemies

of

of the scrutiny, speak of that proceeding with greater disapprobation than he could well have conceived; for he there heard him say, that all law and sense were confounded in the scrutiny. In this the learned gentleman was right; he could only wish that he would endeavour to be right always, and uniform, and not find one doctrine for the bar and another for the senate.

There was no doubt that the majority of the house most heartily wished for the end of a proceeding that disgraced it; but how was that to be accomplished? Was it by rejecting both law and reason? By refusing to hear arguments which would make the absurdity of the proceeding appear in glaring colours? The poor expedient of the amendment proposed would be found truly futile, if the counsel, who were to appear at the bar, had a mind to evade it; and they would be able so to connect the evidence they had now to adduce with that which had already been given, as to introduce the one whilst they were seemingly only urging the other. He did not see, for his part, any expedient short of rescinding the resolutions already passed, to cure the wound that had been given to the constitution; for if the scrutiny was to be continued to the same length that the principles would go on which it was ordered, it would last for ever.

In discussing this point, two general propositions would be found to create insurmountable difficulties. One was the universal affirmative, that in every possible case whatever, the house was justifiable in granting and carrying on a scrutiny, when the returning officer's conscience required it. The other was the universal negative, that in no case whatever had the house a power to order a returning officer to make a return until his conscience should be satisfied. If the latter should be denied, what would be

the consequence? Why, that the former must stand impeached; for if the house must order a scrutiny whenever the conscience of a returning officer called for it, it would follow, that the house could not, consistently with this delicate regard for conscience, compel the man to return the members as long as his conscience was undetermined; and therefore a scrutiny might last as long as a parliament. From this he hoped gentlemen would perceive the absurdity of the past proceedings of the house, and the necessity of providing a remedy for the wounded constitution of the country; and none could be effectual but the expunging of the past resolutions, and entering another upon the journals, passing upon the doctrines contained in them the most unreserved censure.

The ministerial amendment, notwithstanding the efforts of Mr. Fox and his friends, was carried by a majority of 52; upon which Mr. Erskine and Mr. Pigott, the counsel for the petitioners refused to plead under the restrictions laid upon them. The high bailiff of Westminster was then called to the bar, and examined as to the offer made by Mr. Fox's counsel to go immediately into the scrutiny of the parishes of St. Margaret and St. John, and the opposition made to that proposal by the opposite party. It appeared from his evidence, which, however, was given with very obvious reluctance, that such an offer had been made by Mr. Fox's counsel, and sir Cecil Wray's friends had not deemed it expedient to accept it. This, after what had been said in the house of commons and the public prints of Mr. Fox's weakness in those parishes, produced a strong impression; and the high bailiff having withdrawn, on account of indisposition, colonel Fitzpatrick rose, and, after some observations on the slowness and insufficiency of the scrutiny, moved, "That it appearing to this house, that Thomas Corbet, Esq. high bailiff of the city of Westminster,

ster, having received a precept from the sheriff of Middlesex for electing two citizens to serve in parliament for the said city, and having taken and finally closed the poll on the 17th day of May last, being the day next before the return of the said writ, he be now directed forthwith to make a return of his precept of members chosen in pursuance thereof."

This motion was opposed by Mr. Dundas, Mr. Pitt, sir William Dolben, and some others. The arguments of the ministerial party in favour of the scrutiny were summed up in a few words by sir William Dolben. He thought it would be cruel to order the high bailiff to make a return until his conscience was satisfied, if it was three years thence; and so enamoured was he of the scrutiny, that sooner than put an end to it, he said, he would move to address his majesty to suffer it to go on, and to pay the expence on both sides, and to assure him, that the house would make good the same. In all popular bodies a certain portion of folly is an unavoidable ingredient. That an argument so absurd and a proposition so wild, as that I have noticed, should have occurred in a debate, cannot excite surprise, neither that they should have found supporters in such politicians as lord Mulgrave and Mr. Dundas; but that a man of Mr. Pitt's mind and name, a name that should have inspired him, at every step he took, with noble and elevated sentiments, that such a man, and one so descended, should have lent the high sanction of his authority, and the respect which the name of the son of Chatham was calculated to produce on his hearers, to such a mockery of justice, and that too at the very period when he was one of the most active advocates for a reform in the representation, is one of those lamentable aberrations of human nature, which cannot be satisfactorily accounted for by any of the known principles that influence human actions.

On a division of the house colonel Fitzpatrick's motion was rejected by a majority of nine only, the numbers for it being 136, against it 145. It was now pretty evident that the Westminster scrutiny, however anxious Mr. Pitt and the creatures who surrounded him might be to carry it on, would not much longer receive the countenance of the house of commons. Out of doors it was universally agreed that a mode of trial so vexatious, litigious, and abominable, did not exist, and even sir Cecil Wray himself, it was now known, wished to get rid of it. On the 3d of March, alderman Sawbridge made a motion on the subject similar in its tendency to that of colonel Fitzpatrick. He stated very forcibly, in the course of his speech, the real situation of the scrutiny, and said, that, if it were ordered to conclude immediately, sir Cecil Wray would be found to have gained only two by it, although Mr. Fox had not nearly gone through his list of bad voters in St. Martin's. With regard to the four hundred bad votes in the parishes of St. Margaret and St. John, Mr. Sawbridge said, it was highly improbable that half of them could be established, and Mr. Fox would undoubtedly be able to set aside a great number of sir Cecil Wray's voters. He said farther, that about one fourth of the scrutiny was gone through, and it had taken nine months to proceed thus far; the whole, therefore, would not, in all likelihood, be completed in less than a year and a half. To what end continue so tedious and so fruitless a process?

Sir William Dolben and Mr. Pitt again defended the scrutiny; and the latter moved an adjournment, which passed in the negative, the numbers for the adjournment being 124, against it 162—majority 38.—The main question was then put, and carried without a division: and the high bailiff the following day made a return of lord Hood, and the

right honourable Charles James Fox*. Thus, after a strugg'e of two years, terminated the Westminster scrutiny. An attempt was soon after made by Mr. Fox to have the resolutions of the house, relative to the Westminster election, expunged from the journals; but this was strenuously resisted by Mr. Pitt and his friends. Indeed the conduct of Mr. Pitt in every stage of this transaction was unworthy of his talents, his station and his character: the spirit of personal animosity with which he seemed actuated against his illustrious rival, the pertinacity of his attacks, and the asperity of his language, were more suitable to the heat and intemperance of a popular election than the grave deliberations of a senate. In all this business Mr. Pitt shewed a want of candour and generosity, a meanness of temper, and a puerile jealousy of power, so undisguised, unabashed, and arrogantly expressed, that even those who love his memory best must be slow to rank magnanimity among the characteristics of his mind.

It may not be improper to say a few words, in this place, of the character of Mr. Pitt. That statesman, haughty in his temper, obstinate in his opinions, and possessed of unbounded ambition, found himself, by a rare conjunction of circumstances, invested with a degree of power, which no minister in this country, since the days of sir Robert Walpole, had ever been possessed of. The preservation of this power became from that period the darling object of his life. He sacrificed to his love of power the constitutional principles of his youth, principles which, as in him

* Mr. Fox shortly afterwards brought an action in the court of King's Bench against the high bailiff, and recovered 2000l. damages. This sum was distributed among the public charities of Westminster.

they

they were hereditary, he ought to have cherished with filial affection. His entrance into office was through a breach in the constitution; and for the maintenance of authority thus surreptitiously obtained, he dissolved the most virtuous, upright and independent house of commons that England had seen for a long series of years*. If it be too much to say all, it may confidently be affirmed that most of the calamities that have befallen this country for the last three and twenty years, may be traced to the dissolution alluded to. Its dangerous tendency as a precedent was well and prophetically described by Mr. Burke, when he said, "it is an experiment full of peril to put the representative wisdom and justice of his majesty's people in the wrong; it is a crooked and desperate design, leading to mischief, the extent of which no human wisdom can foresee, to attempt to form a prerogative party in the nation, to be resorted to as occasion shall require, in derogation of the authority of the commons of Great Britain in parliament assembled: it is a contrivance full of danger, for ministers to set up the representative and constituent bodies of this kingdom, as two separate and distinct powers, formed to counterpoise

* His character as a parliamentary orator, was severely, but faithfully, pourtrayed by lord North, in the course of a speech on the Irish Propositions. It was peculiarly applicable to him at this period, as any one may perceive who will take the trouble to look into the parliamentary proceedings of the times. "There are some men," said the ex-minister, "who seem to be organized for slander, there are some men who, by the peculiar temperament of their nature, find gratification in invective, and so eager are they for the gratification of their lust, that they go about to seek for blemishes, in order to expose them; and in the pursuit of their game, they will sometimes pretend to find them where they are not. Such men, if they propose any measure, are infinitely more desirous to make it stand upon the faults of others, than on its own merits; and such a man I take the right honourable gentleman to be."

each

each other, leaving the preference in the hands of the secret advisers of the crown. In such a situation of things, these advisers, taking advantages of the differences which may accidentally arise, or may purposely be fomented between them, will have it in their choice to resort to the one or the other, as may best suit the purpose of their sinister ambition. By exciting an emulation and contest between the representative and the constituent bodies, as parties contending for credit and influence at the throne, sacrifices will be made by both; and the whole can end in nothing else than the destruction of the dearest rights and liberties of the nation. If there must be another mode of conveying the collective sense of the people to the throne than by the house of commons, it ought to be fixed and defined, and its authority ought to be settled: it ought not to exist in so precarious and dependent a state, as that ministers should have it in their power, at their own pleasure, to acknowledge it with respect, or to reject it with scorn.

"It is the undoubted prerogative of the crown to dissolve parliament; but we beg leave to lay before his majesty, that it is, of all trusts vested in his majesty the most critical and delicate, and that in which the house has the most reason to require, not only the good faith, but the favour of the crown. His commons are not always on a par with his ministers in an application to popular judgment: it is not in the power of the members of this house to go to their election at the moment the most favourable for them. It is in the power of the crown to choose a time for their dissolution whilst great and arduous affairs of state and legislation are depending, which may be easily misunderstood, and which cannot be fully explained before that misunderstanding may prove fatal to the honour that

that belongs, and to the consideration that is due, to members of parliament.

" With his majesty is the gift of all the rewards, the honours, distinctions, favours, and graces of the state; with his majesty is the mitigation of all the rigours of the law; and we rejoice to see the crown possessed of trusts calculated to obtain good-will, and charged with duties that are popular and pleasing. Our trusts are of a different kind. Our duties are harsh and invidious in their nature; and justice and safety is all we can expect in the exercise of them. We are to offer salutary, which is not always pleasing, counsel: we are to inquire and to accuse: and the objects of our inquiry and charge will be for the most part persons of wealth, power, and extensive connections: we are to make rigid laws for the preservation of revenue, which of necessity more or less confine some action, or restrain some function, which before was free: what is the most critical and invidious of all, the whole body of the public impositions originate from us, and the hand of the house of commons is seen and felt in every burthen that presses on the people. Whilst, ultimately we are serving them, and in the first instance whilst we are serving his majesty, it will be hard, indeed, if we should see a house of commons the victims of its zeal and fidelity, sacrificed by his ministers to those very popular discontents which shall be excited by our dutiful endeavours for the security and greatness of his throne. No other consequence can result from such an example, but that, in future, the house of commons, consulting its safety at the expence of its duties, and suffering the whole energy of the state to be relaxed, will shrink from every service, which, however necessary, is of a great and arduous nature; or that, willing to provide for the public necessities, and, at the same time, to secure the means of performing

forming the task, they will exchange independence for protection, and will court a subservient existence through the favour of those ministers of state, or those secret advisers, who ought themselves to stand in awe of the commons of this realm.

"An house of commons, respected by his ministers, is essential to his majesty's service; it is fit that they should yield to parliament, and not that parliament should be new modelled until it is fitted to their purposes. If our authority is only to be held up when we coincide in opinion with his majesty's advisers, but is to be set at nought the moment it differs from them, the house of commons will sink into a mere appendage of administration, and will lose that independent character which, inseparably connecting the honour and reputation with the acts of this house, enables us to afford a real, effective, and substantial support to his government. It is the deference shewn to our opinion, when we dissent from the servants of the crown, which alone can give authority to the proceedings of this house, when it concurs with their measures *."

Such were the sentiments of this great orator on the dangers to be apprehended to the constitution, in 1784, from the conduct pursued by his majesty's then ministers. That those dangers have unhappily in too many instances been realised, the following pages of this work will sufficiently shew.

In the course of the session, and soon after the decision on the West-

* Representations moved to be presented to his majesty, by Mr. Burke, June 14, 1784.

minster scrutiny, Mr. Pitt brought forward a motion for a reform in parliament. It was the third effort he had made for that purpose, and very sanguine expectations were entertained of its success, as in the month of December previous, Mr. Pitt had authorised Mr. Wyvill to declare, that he would bring the subject of a parliamentary reformation before the house of commons as early as possible in the following session; that he would support his intended propositions to the utmost of his strength, and that he would exert his whole power and credit, *as a man and as a minister, honestly and boldly*, to carry such a meliorated system of representation as might place the constitution on a footing of permanent security *.

Mr.

* As it may be curious to see what ideas Mr. Pitt entertained at this period of a parliamentary reform, a measure he afterwards so violently opposed, subjoined is a summary explanation of the principles on which his motion proceeded, as given at a public meeting by Mr. Wyvill, chairman of the Yorkshire committee, with whom Mr. Pitt conferred on the formation of his plan.

The number of additional representatives to the great districts was proposed to be seventy-two, for which the disfranchisement of thirty-six small boroughs would be wanted. The means by which so considerable a surrender of the right to return members to parliament was expected to be obtained, was as follows.

It was proposed that a million sterling should be set apart, as a fund for compensation to the boroughs which might be disfranchised; that this whole sum be divided into thirty-six shares, of which, that each borough agreeing to surrender its elective right, and applying, by petition from two thirds of its electors, to parliament for that purpose, to be entitled to one share, to be distributed in due proportion among the several persons interested therein, according to their respective equitable claims, by a special committee of

Mr. Fox, as he had done on former occasions, professed himself friendly to the measure of a reform in parliament, and particularly to that part of

of the house of commons, to be appointed in the same manner as committees are appointed to try the merits of contested elections; by which if any question should arise, touching the right of voting, or whether the petitioners were actually two thirds of the voters, such questions should be decided: that the interest of these thirty-six shares, or several principal sums of money, be suffered to accumulate and be added to each principal sum, until, by the decision of such committee, each sum, principal and interest included, should be awarded to some small borough, on its voluntary application to be disfranchised. By this provision, the sum appropriated, if not large enough at first to induce the decayed boroughs to surrender their obnoxious rights, would continually increase, and the temptation to resign them would become ultimately irresistible.

By the other part of Mr. Pitt's system of reformation, a subsequent improvement of the borough representation was to be ascertained, and carried into execution on similar terms; and, moreover, a principle of future and perpetual improvement in the representation of towns to an indefinite extent was to be established.

When the representation of the counties and the metropolis should have been rectified in the mode and to the extent described, it was proposed that a second sum should be set apart to induce such decayed or inconsiderable boroughs, as might still remain, to make a farther surrender of the right of electing members of parliament, in order that such right might be transferred to the towns of Birmingham, Manchester, and other large unrepresented places, whenever such unrepresented places should respectively petition parliament for the same.—Also, that the elective franchise, exclusively enjoyed by a few inhabitants, members of the corporate body in certain towns, might be imparted to the inhabitants, householders of such towns, occupying houses assessed at a certain small amount, on the voluntary application of such corporate bodies to parliament to surrender their exclusive privileges.

of Mr. Pitt's plan, which went to increase the proportion of representatives for counties, by a diminution of the members for boroughs.—With regard to the dangers of innovation, he thought they had been greatly overrated. From the earliest periods of our government, the principle of innovation, but which should more properly be called amendment, was neither more nor less than the practice of the constitution. In every species of government (putting absolute monarchy out of the question, as one which ought never to take place in any country) democracy and aristocracy were always in a state of gradual improvement, when experience came to the aid of theory. But there were many parts of Mr. Pitt's plan which he thought highly objectionable. He would never agree to admit the purchasing from a majority of electors the property of the whole. In this he saw so much injustice, and so much repugnance to the true spirit of our constitution, that he could not entertain the idea for one moment. On the other hand, when the property of a borough was in one man, there was no chance of his disposing of it, on the terms that had been mentioned. For, when a particular sum was laid

The extension of the right of suffrage to many substantial householders in the metropolis, the unrepresented towns, and those towns where the right of representation was exclusively enjoyed by a few inhabitants, would have been the necessary consequence of the several transfers, and communications of the elective right proposed in the two parts of this system. The admission of copyholders to the right of voting at county elections, was to form a still greater, and a perfectly unexceptionable, addition to the constituent body, for which, it was understood, that a separate bill would be provided accordingly. Regulations also for multiplying the places of poll in the counties, for the better ascertainment of the right of voting, for reducing expense, and preventing bribery at elections, were to have been included as subsidiary parts of the same system.

down

down for a particular purchase, and interest suffered to accumulate on that sum, the man must be a fool, who could be in haste to get possession of it. There was something, likewise, that he thought injurious in holding out pecuniary temptations to an Englisman to relinquish his franchise on the one hand, and a political principle which equally forbade it on another. He was uniformly of opinion, which, though not a popular one, he was ready to avow, that *the right of government was not property, but a trust; and that whatever was given for constitutional purposes, should be resumed, when those purposes should be no longer carried into effect.* There were instances of gentlemen offering to sacrifice the interest they might have in boroughs, to the public good*. He expressed, however, his surprise that the present proposition was not attended by any liberal offers from those whom government had loaded with honours, and whose connection with the ministry should naturally excite an expectation of something more liberal than a procedure by mere bargain and sale. He was averse to the idea of confining parliamentary situations to men of large fortunes, or those who had distinguished themselves in public professions. Should this be the case, there was scarcely any man so little acquainted with the history of parliament, as not to know that the house would lose half its force. It was not from men of large and easy fortunes, that attention, vigilance, energy, and enterprise, were to be expected. Human nature was too fond of gratification not to be somewhat attentive to it, when the means were at hand; and the best and most meritorious public services had always been performed by persons in circumstances removed

* The person particularly alluded to was Mr. Thomas Pitt, (created lord Camelford,) who, on a former agitation of this question, had made a voluntary offer to give up his interest in the borough of Old Sarum.

from

from opulence.—Mr. Fox observed that the objectionable parts of the plan might afterwards be amended; and concluded with earnestly entreating all sides of the house to concur in the motion before them.

On a division the motion passed in the negative, notwithstanding the assurance of Mr. Pitt that he would exert all his power as *a minister* and *a man* to promote its success, the numbers against it being 248, for it 174 —majority against *the minister* 74.

It would far exceed the limits to which a work of this nature must necessarily be confined, to trace Mr. Fox through the whole of his illustrious parliamentary career; and such questions as the Irish commercial propositions, the commutation tax, and the revenue regulations for the year 1785, however interesting they might be in their day, have lost their importance in the magnitude of succeeding transactions. These chiefly occupied the attention of the house of commons during the remainder of the session, and were discussed (the Irish propositions in particular) with much vigour and ability. To give Mr. Fox's opinion at large upon these topics would lead to too great a length; yet it may not be improper to preserve a few of the political, commercial, and financial maxims of this great man, which were drawn from him by the questions above alluded to. On a motion by Mr. Pitt, (April 20, 1785,) for a repeal of certain duties on the cotton manufactures, which was seconded by Mr. Fox, the latter said, he desired not to be ranked in the number of those who held that manufactures, as manufactures, were improper objects of taxation; and had never, nor ever should, entertain such an opinion; on the contrary, he held that articles of manufacture were in many cases a fair and just object of taxation; in some undoubtedly they were not, and especially

cially in such, where the imposition of a tax would so far harass the manufacturers as to take considerably more money from them than the revenue received, and check the progress of a manufacture, and prove so vexatious and oppressive, that it would affect its prosperity and endanger its existence. In the course of the speech of Mr. Pitt, that the ground on which he abandoned the tax was, on account of popular prejudices, which were founded in error—Mr. Fox replied, that it was a principle he would never accede to, nor ought the house of commons ever to make it the rule of their proceedings; for if it were once known that a great degree of popular clamour and prejudice, no matter how ill founded, was a sufficient inducement for that house to give their consent to the repeal of any tax, the revenue would be in perpetual danger; and the sinking fund, to which they all looked forward with the most anxious expectation, would be only a matter to be talked of, and never to be brought into existence.

On the subjects of the sinking fund, the national debt, and the revenue, Mr. Fox, in a motion made by him, (April 29, 1785,) gave it as his opinion, that the true and only foundation on which the credit of this country could be maintained, was in the publicity and clearness of our accounts; in the fixed and resolute determination of parliament at all times to look their situation full in the face, and neither to deceive themselves, nor to deceive others with fallacious statements, which could only serve interested purposes for the moment, while they might produce lasting and dreadful consequences. Perfectly to despond was as injurious as to be too sanguine. Despondency would depress the genius, enterprise, and energy of the country; while, on the other hand, to be too sanguine in our expectations,

pectations, would prevent us from taking those measures which might be necessary to our deliverance.

Speaking, in the course of his argument, on the subject of a national bankruptcy, he said, it was a state of things which no considerate man could think of without horror. A national bankruptcy would be national ruin; and his head must be strangely dull, or his heart inhuman, who could harbour such a notion. It was not to be thought of; and yet he knew that strange, mad, and atrocious schemes had been engendered in the brains of some men to this effect, but no practical statesman had ever thought of them, and no good man, he trusted, would ever adopt them.

It was Mr. Fox's opinion, at this period, that the sinking fund ought to have been increased, and he offered to share with the minister all the odium that might arise from laying fresh burthens upon the people. But his proposition was rejected, and he had only the barren honour of bringing forward a plan which time has shewn the sound policy and utility of, but the value of which his rival had not the discernment to appreciate. It was the peculiar misfortune of Mr. Fox's public life, that his recommendations were almost always adopted too late. His prescient mind looked to the future as well as the present; while his adversaries, anxious only for a system that provided for the exigencies of a passing session, loaded his opposition with the reproachful epithets of clamour and faction. —But he had, in a more eminent degree than any other statesman that ever went before him, the satisfaction, in most cases, to find the justice and sagacity of his opinions corroborated by the test of experience; and

very

and very few sessions passed over, in which the minister did not see the necessity of retracing some of his steps, and adopting the very measures which Mr. Fox had ineffectually urged.

The many personalities which Mr. Pitt, even at this period, was in the habit of indulging in against Mr. Fox and lord North, on the subject of their coalition, and the lofty terms in which he always spoke of himself, and of the high post he filled in his majesty's government, could not fail on some occasions to draw down upon him great severity of animadversion. In one instance in particular, after he had magnified his own importance, with all that pomp of language and solemnity of diction for which his oratory was so distinguished, and arrogated to himself the whole merit of the measures of government, Mr. Fox, in the course of his reply, pointedly reproved the supercilious disposition of the minister. —"I cannot help stopping," said he, "to make a remark on a curious distinction to which the right honourable gentleman appears most remarkably attached; a distinction that betrays a feeling that I cannot well describe—a sort of self complacency—a kind of over pleasure with his own situation. In speaking of the noble lord in the blue ribband at different periods, he is ever solicitous of distinguishing between the first lord of the treasury, and the mere secretary of state. In the one character he ascribes to him all the dignity of sovereign rank, of superintendency, and sole authority—in the other, he rather considers him as acting under or with a ministry, than as a minister possessed of either power or responsibility. He says of him at one time, "when the noble lord was the minister of the country." At another, "when the noble lord held a subordinate situation in the cabinet." By these distinctions the right honourable gentleman takes a juvenile pleasure in glancing at his own elevation. He con-

siders the personage who fills the united offices of chancellor of the exchequer, and first lord of the treasury, as a character so lofty and exalted, so supereminent in his station, that he must on no account be confounded with inferior persons. In like manner, when he talks of coalitions, and reprobates them, he is moved by the same feeling. His charge against me and others is for coalescing with the minister, the great superintending minister of the American war! His own coalitions he can very readily defend by the same distinction. "I own," he says, "I have certainly coalesced with some of the ministers who were concerned in the patronage and conduct of the American war: they, however, were inferior characters, lords chancellors of England, and such like persons of no account: but I have never been so infamous and abandoned, as to form a coalition with the chancellor of the exchequer, and the first lord of the treasury, the great superintending minister of the crown, who was the soul of the system." I do not, Sir, enlarge upon this feeling of the right honourable gentleman, as a charge against him: it is a feeling, in the enjoyment of which I am by no means inclined to disturb him: a feeling, in the enjoyment of which, I know indeed of no person that has any interest to disturb him; unless indeed there may be some of his immediate colleagues, who may think it would be somewhat more decent in him to gratify his passion or his pride in a mode less publicly offensive both to their spirit and their dignity."

The recent convulsion that has agitated Europe, that has wrecked so many of her mightiest states, and yet threatens those that survive with destruction, renders the politics of such a season of tranquillity as the year 1786, obsolete and uninteresting. Yet it may not be deemed unuseful to give, in a work like this, a brief view of the sentiments of such

a statesman as Mr. Fox, on the then subsisting political relations between this country and the powers on the continent. At the opening of the session in 1786, Mr. Fox entered into a detailed examination of British and foreign politics. He professed himself in general friendly to continental connections, and blamed the impolitic conduct of his majesty's ministers in not cultivating them, and their negligence in being perpetually behind hand in all their foreign negociations. He begged gentlemen to recollect, that, in all her wars, France had been most embarrassed by her continental situation, and the dread of an attack from the neighbouring powers; the whole of her policy, therefore, had been directed to engage them in such a manner, as to add to her security, and hence it was that during her last (the American) war, she had been able to render her maritime force so respectable and so powerful, because she had no occasion to give her attention to the strengthening of her frontier towns, the adding to her internal fortifications, the recruiting her garrisons, and all those variety of considerations necessarily kept alive, while it appeared possible for her continental neighbours to seize the opportunity of her being engaged in hostilities at sea. Nay, she was even able to aid her resources by a reduction of her army in time of war, and apply the saving to her maritime strength.

To counterbalance the power of France and her allies, he recommended a more close connection with the courts of Vienna and Petersburg. But what, said he, had been the conduct of ministers? They had disgusted the emperor of Germany, by the part which his majesty, as elector of Hanover, had taken in joining the elector of Saxony and other Germanic princes in a league founded on the plea of preserving the liberties of the empire.

Mr. Fox, after touching on the subject of an alliance with Russia, of which he strongly enforced the necessity, next adverted to the negociation for a commercial treaty with France. He was decidedly of opinion that no good could result to this country from a commercial treaty between Great Britain and France, and his reason for thinking that such would be its effects was, that the experience of past times proved, that this country had grown great, prosperous, and flourishing, from the moment that she quitted all her commercial connections with France.

Mr. Pitt, in reply to what had fallen from Mr. Fox, with respect to the Germanic alliances entered into by his majesty in quality of elector of Hanover, said that with the merit or demerit of those transactions his majesty's servants had no concern. As to the connexion with Hanover, however accident had placed the sovereignty of that country, and of this, in the same hands, it by no means followed that the interests of each must necessarily be the same; tho' he was willing to admit, that, from the circumstance of their having one and the same sovereign, it was likely that their interests might sometimes be parallel, when without that circumstance they might prove different, and perhaps it might advance their mutual advantage to make their interests as reconcileable to each other as possible. Yet he desired to have it understood, that Great Britain was by no means committed or bound by any league lately entered into by the elector of Hanover; nor did he look upon it as incumbent on the ministers of this country to lay before parliament, except in cases of necessity, such arrangements as might be made for Hanover, by the advice of the ministers of that electorate.

The mere incidental discussions respecting Hanover which took place at

at this time, would scarcely deserve to be mentioned, except from the consideration that some of the latest and most important acts of Mr. Fox's public life had a material relation to that electorate; and some, with a prejudice certainly not very unnatural in Englishmen, may be curious to know what motives of partiality for his majesty's German dominions could possibly influence the opinion of so distinguished an English statesman. The affection which the two first princes of the house of Brunswick, who sat on the British throne, evinced for their electorial states, filled their subjects in this country with mixed sentiments of jealousy and disgust; and the popular orators in parliament found an easy road to the hearts of the people by stigmatising those measures of the court which they disapproved, with the epithet of Hanoverian politics. Mr. Pitt evidently founded his arguments upon their ideas; and, taking the popular side of the question, disclaimed all right or intention in the ministry of this country to interpose in the politics of Hanover.—Mr. Fox, in reply, said, however clearly the distinction between Great Britain and Hanover, as separate states, might be understood in that house, it was not an easy matter to teach foreign powers to understand the same discrimination. A variety of possible cases existed in which it would be almost out of the power of this country to adhere to any such distinction in practice, however clearly it might be defined in theory. It might, hereafter, happen, he said, that circumstances might render it an essential policy in Great Britain to join the court of Vienna, and to proceed in counteraction of the league to which Hanover had acceded. In that case, as all treaties were offensive in their effect, though nominally defensive, a war between the parties of the league and its opponents might probably arise. Granting the likelihood of such a war, could British troops act against those of Hanover? Or, to make the case stronger, and yet to put a possible case,

suppose

suppose the elector of Hanover were to head his troops in person, (and they were all aware that it was not a new thing for an elector of Hanover to take the command in the field,) who would say that the British army could be led to act hostilely against troops led by their sovereign in capacity of elector of Hanover? The supposition teemed with the most gross absurdity, and it was to shew the extraordinary predicament into which the elector of Hanover's becoming a party to a league of the nature in question, and without the advice of a minister responsible for his conduct to that house, might draw Great Britain, and involve its interests, that he brought forward such extraordinary cases. One historical example, however, would strengthen the arguments he had used, and prove beyond all doubt the mischiefs to which this country was liable to become exposed, by considering herself as wholly independent of the interests of Hanover. The case to which he alluded was that of George the First, who, by his treaty with Denmark for the sale of Bremen and Verden, drew down upon him the vengeance of Sweden; and the consequence was, this country was threatened with an invasion, the most alarming, and the most dangerous to the liberties of Englishmen, of any that could well be imagined. General Stanhope, at that time the minister of the crown, had, when the treaty was first heard of, come down to that house, and used precisely the same sort of language as that uttered by Mr. Pitt. He had talked of the separate and distinct interests of Great Britain and Hanover, and had said that the British parliament had nothing to do with the conduct of his majesty respecting his electorial dominions; but what was the consequence? The very next year, general Stanhope, who held this language, came down to the house, and urged the expenses which his majesty had incurred on account of his purchase as a plea for calling for additional supplies. If the matter was not now clearly and fully ascertained,

tained, so that foreign powers, as well as that house, might be certain that Great Britain was not committed as to any part which her policy might dictate to her as most adviseable to pursue hereafter, in the case of a war in Germany, the right honourable gentleman, who had disclaimed all responsibility for the wisdom and policy of the measure in question, might come down to that house, on a subsequent occasion, and make that very measure, respecting which the British parliament was excluded from all enquiry and control, the ground of an application for additional supplies. Mr. Fox concluded, by observing, that he never spoke concerning a point of state with less reluctance, persuaded that, on the present occasion, he neither divulged a secret, nor gave the slightest wound to the interest and security of the nation.

In the course of this and the following session, various warm discussions took place in the house of commons, relative to the modes of proceeding proper to be adopted to bring the great India delinquents to justice. The share which Mr. Fox bore in these transactions is well known to every one in the least acquainted with the public transactions of the last twenty years. How zealously and indefatigably he laboured to vindicate the insulted honour of the British name; to defend the weak from the oppressions of the strong; and to bring to punishment those eastern plunderers whose multiplied enormities had laid waste and nearly depopulated many of the most fertile and flourishing provinces of Asia, must yet be strong in the recollection of every one. But the consideration of these topics, and the long impeachment of Mr. Hastings which Mr. Fox took so distinguished a part in, would lead to a length which the limits that must necessarily be put to this work would not allow of.—Various opinions have been expressed of the justice of the prosecution of Mr. Hastings,

Hastings, and of the propriety of the motives by which the managers of that prosecution were influenced. By some writers it has been said, that Mr. Burke's zeal in the cause proceeded from feelings of personal animosity against the governor-general, originating in some real or pretended injury done to one of his relatives in India; and that Mr. Fox encouraged the prosecution from motives of hostility against the court of directors, who had been so instrumental in defeating his India bill, and so slavish in supporting Mr. Pitt's administration. Neither of these surmises, to the best of my judgment, have the least foundation in fact. It has fallen to my lot, with a view which it would be unnecessary here to explain, to examine, with as much attention as I could command, nearly all the voluminous documents which have appeared on the subject of this celebrated impeachment, as well those in favour, as those hostile to the governor-general, and the indelible impression I have received from them is, that never was a great state criminal prosecuted on more justifiable grounds.—The period cannot be far distant when a deceived and deluded public will be forced to give a reluctant assent to the wisdom and policy of the measures proposed by the illustrious subject of these memoirs for the salvation of the British possessions in India; to acknowledge the futility of the plans carried into execution through the intrigues of his self-interested opponents; and to lament that the opportunity, which was afforded, by the punishment of a great delinquent, of putting some check to the endless massacres, pillage, confiscation, and robberies, that had disgraced the British name, from the first footing of our nation in Hindustan, had been lost, notwithstanding all the exertions of the ablest orators of any age or nation, by the unaccountable acquittal of Mr. Hastings *.

Of

* It is some reproach to the literary character of the British nation, that no regular and

Of the motives of those who opposed the impeachment, or who only lent it occasionally a cold and languid support, it is not very easy to speak. Mr. Pitt appears never to have entered zealously into the business, but always to have concurred in it with reluctance. In this cause his usual ardour left him; and if the great ends of substantial justice had been obtained, they would have been obtained, if not against his inclination, certainly without his assistance. Of the motives of Mr. Dundas, the court of directors, and the whole body of Indian peculators, for opposing the prosecution, and at every turn hunting for expedients to harass the managers, and throw difficulties in the way of convicting the criminal, who, for a moment, can entertain a doubt? They were individually interested in the preservation of the corrupt administration of Indian affairs; some of them had amassed princely fortunes under the patronage of the person accused, and therefore thought themselves bound in gratitude to protect him; and others, either for themselves or their connections, ardently desired the continuance of a system so pregnant with lucrative abuses.—Such men as these could see in Mr. Hastings nothing but persecuted worth, honour, and integrity; and in his opponents nothing but personal animosity, ungovernable ambition, and a hateful spirit of re-

and connected account of the wars, conquests, settlements, and trade of the English East India company in Asia, has yet appeared, in any way deserving the title of history. The commerce and politics of Asia, interesting in all ages to the enlightened nations of Europe, have, in the course of the last fifty years, acquired a degree of importance, in relation to this country, unexampled in the history of the foreign conquests of any other nation. The materials for such a work are abundant, and many of them excellent; but it must be acknowledged that a vast mass of contradictory evidence exists, and it would be no easy task to elicit the truth from the jarring statements of contending parties.

venge.—But impartial posterity will decide between them; and at the present day such names as Mr. Windham, Mr. Sheridan, Lord Howick, and many more who bore an arduous share in the above proceedings, must vindicate the memory of the great leaders in those transactions from all suspicion derogatory to their characters or independence.

Passing by the events of the sessions of 1787 and 1788, as comparatively of little importance with those which follow, and as most of the topics discussed in them, were subsequently gone into more largely, the next period of Mr. Fox's public life to be noticed is his conduct on the memorable occasion of the king's indisposition, the latter part of the year 1788, and the beginning of 1789. The king's malady, it is too well known here to be repeated, was of a nature that utterly incapacitated him from attending to the functions of government; "*his faculties* (to use an expression of Mr. Burke, who seldom was very choice or courtly in his phrases, when his passions were roused) *were eclipsed:—it was not a partial eclipse, wanting some digits of completion,—but a total and entire eclipse,*" and therefore it became necessary at this extraordinary juncture to provide a substitute for the exercise of the royal authority. Mr. Fox at this period was on an excursion to the continent; but, an express being sent after him, returned to England with the greatest despatch.

Parliament met on the 20th of November; and after the ministers had briefly explained his majesty's melancholy situation, both houses adjourned for a fortnight. At their next meeting a committee of twenty-one persons in each house was appointed to examine and report the sentiments of the royal physicians; and a further adjournment to the 10th of December then took place. On that day the report of the committee

was

was laid upon the table of the house of commons; and after commenting upon it some time, Mr. Pitt moved, "That a committee be appointed to examine and report precedents of such proceedings as may have been had, in case of the personal exercise of the royal authority being prevented or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same."

This motion was warmly deprecated by Mr. Fox. He said it was undoubtedly their duty to lose no time in proceeding to provide some measure for the exigency of the present moment, but that exigency was so pressing in point of time, that he, for one, must oppose the motion then made.—What, he asked, were they going to search for? Not precedents upon their journals, not parliamentary precedents, but precedents in the history of England. He would be bold to say, nay they all knew, that the doing so would be a loss of time, for there existed no precedents whatever, that could bear upon the present case. There might have been an incompetency, there might have been an inability, in former monarchs to direct the reins of government; but if such a misfortune had happened to the country, it had happened at a time, when there was not the alleviation of a natural substitute. The circumstance to be provided for did not depend upon their deliberation, it rested elsewhere. There was then a person in the kingdom, different from any other person that any existing precedents could refer to, *an heir apparent of full age and capacity to exercise the regal power*. It behoved them, therefore, not to waste a moment unnecessarily, but to proceed with all becoming speed and all becoming diligence, to restore the sovereign power, and the exercise of the royal authority. When the unfortunate situation of his majesty was first made known to that house, by a presentation of the minute of the

privy council, some gentlemen had expressed a doubt whether the house could make such a paper a ground of parliamentary proceedings. Mr. Fox declared that he had gone farther; that he thought the report of the privy council was not an authentic document, nor such as that house could make the ground of its proceedings. The defect had now been remedied, and the house was, in consequence of the regular examination his majesty's physicians had undergone before a committee of their own, in possession of the true state of the king's health. That being known to the house, and through them to the nation at large, he contended that it was then, and then only, the precise point of time for the house to decide, and that not a moment ought to be lost. From what he had read of history, from the ideas he had formed of the law, and, what was still more precious, of the spirit of the constitution, from every reasoning and analogy, drawn from those sources, he declared that he had not in his mind a doubt, and he should think himself culpable, if he did not take the first opportunity of declaring it, *that in the present condition of his majesty, his royal highness the prince of Wales had as clear, as express a right to exercise the power of sovereignty, during the continuance and incapacity, with which it had pleased God to afflict his majesty, as in the case of his majesty's having undergone a natural demise.* Mr. Fox said, that entertaining this opinion, he thought it candid to come forward fairly, and avow it at that instant. With this opinion, as short a time as possible ought to intervene between the prince of Wales possessing the sovereignty, and the present moment. If the prince did not instantly claim those powers, to which, from analogy, from history, and from the spirit of the constitution, he was clearly entitled; if he acted in a manner more suited to his character and education; that moderation should be their strongest incitement. He had been bred up in those principles which had

had placed his illustrious house upon the throne, and with a known reverence and regard for those principles, as the true fundamenta's of our glorious constitution, in the maintenance of which his family had flourished with so much prosperity and happiness as sovereigns of the British empire. Hence it was, that his royal highness chose rather to wait the decision of parliament, with a patient and due deference to the constitution, than urge a claim which, he trusted, a majority of that house and of the people at large admitted, and which he was persuaded, could not reasonably be disputed.—But ought he to wait unnecessarily? Ought his royal highness to wait while precedents were searched for, when it was known that none bore upon the case, which so nearly concerned him, existed? In the deference and forbearance of the prince they were not to forget his right. In all their observations, they should remember that there was such a claim existing, and it should serve to hasten their decisions, as far as was consistent with the magnitude of the occasion.

After urging these remarks strongly, Mr. Fox thought it his duty to say, that it was incumbent on the house to lose no time in restoring the third estate. His royal highness, he was convinced, must exercise the royal prerogative during, and only during, his majesty's illness. With regard to the examination of the physicians, he would not take up the time of the house with commenting on the particular answers and opinions of each. However the physicians might have delivered opinions, that might in the minds of some men impress one turn of idea, and in the minds of others a very different turn of idea, three points, he thought, were undeniable inferences from the whole of their examinations, in which he had assisted. These three points formed the result, and must be the foundation on which that house must necessarily raise the superstructure, whatever

whatever it might be, which they should deem it expedient to erect. He took the three points to be these.

1. That his majesty was incapable of meeting his parliament, or proceeding to business.

2. That there was a great and strong probability of his recovery.

3. But that with respect to the point of time, when that recovery would take place, they were left in absolute doubt and uncertainty.

Mr. Fox said, he hoped the members of that house would agree with him, that these three points formed the true, fair, and uncoloured result of the examination of his majesty's physicians. After repeating his willingness to accede to every proposition that was consistent with the due solemnity of their proceedings upon so serious an occasion, Mr. Fox concluded with declaring, that he had thought it incumbent on him to give his opinion on the subject freely and unreservedly, and that he did not impute to the ministry any design to create delay, or unnecessarily avoid dispatch.

Mr. Pitt immediately commenced a very warm reply. The doctrine advanced by the right honourable gentleman, said he, was itself, if any additional reasons were necessary, the strongest and most unanswerable for appointing the committee he had moved for, that could possibly be given. —If a claim of right was intimated (even though not formally) on the part of the prince of Wales, to assume the government, it became of the utmost consequence to ascertain from precedent and history, whether this

claim were founded; which if it was, precluded the house from the possibility of all deliberation on the subject. In the mean time, he maintained, that it would appear from every precedent, and from every page of our history, that to assert such a right in the prince of Wales, or any one else, *independent of the decision of the two houses of parliament, was little less than treason to the constitution of the country.* He said he did not mean then to enter into the discussion of that great and important point, a fit occasion for discussing it would soon afford both the right honourable gentleman and himself an ample opportunity of stating their sentiments upon it. In the mean time he pledged himself to this assertion, that in the case of the interruption of the personal exercise of the royal authority, without any previous lawful provision having been made for carrying on the government, it belonged to the other branches of the legislature, on the part of the nation at large, (the body they represented,) to provide according to their discretion for the temporary exercise of the royal authority, in the name and on the behalf of the sovereign, in such manner as they should think requisite; and that, unless by their decision, the prince of Wales had no right (speaking of strict right) to assume the government more than any other individual in the country. Whatever might be the *discretion* of parliament with respect to the disposition of those powers, their right to dispose of them was undoubted; and that, until the sanction of parliament was obtained, *the prince of Wales had no more right to exercise the powers of government than any other person in these realms.*

Mr. Fox, in reply to what had fallen from the minister, declared that either the right honourable gentleman had misunderstood him, or that he had rested himself on the use of an equivocal word. If it was meant that the

the sovereignty should be settled in all cases by parliament—meaning thereby the king, lords, and commons, he should readily agree to the principles which had been laid down; and that a parliament of that constitution, being full and complete, had it in its option and power to alter the succession to the throne, or in any other way alter the existing laws and constitution. But if the same was alleged of the two houses acting without the kingly sanction, the reverse of those principles was the truth. They were in that state maimed of their powers;—they could pass no law, but were to await the operation either of some provisional statute, or of the principles of the constitution, as they had been generally laid down. If they proceeded to regulate or to limit the bounds of the executive power, they acted contrary to the spirit and to the letter of the constitution. This was the law as laid down by the statutes of the realm; and if he maintained the contrary of this doctrine, the attorney-general should, in duty, prosecute him for treason, and he must incur all the penalties of a *premunire*. If this was the language deemed *treasonable*, he should repeat it in so many words,—that the prince of Wales, in his opinion, stood possessed of the sovereign power, by virtue of the *civil* demise, in the same manner as he would have done by the natural demise of his father, and as independently of any interference of parliament.—But, said he, when this last word was so often repeated, it should be recollected, that a question might be put, whether they sat as a parliament or as a convention. If as the latter, they were of course no perfect parliament; and former conventions, whose meetings were justified by necessity, and to whom we owe every thing we hold dear, were too wise either to take the name of parliament, or to attempt any measures until they had restored that third branch of the consitution to which it owes its form and energy.

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He declared he held it to be a clear point, that they were not at that time a perfect parliament. Whether there might be some in that house, who had a wish to nominate, appoint, and perhaps to limit a regent in the exercise of the sovereign authority, he could not say; perhaps they might be driven, by a declaration of that house, to the necessity of electing a person to exercise the royal prerogative. He had ever heard that the crown was hereditary and not elective, and that, because it was thought best for the happiness and freedom of the people. He had heard indeed of some old bigoted persons, who formerly contended for indefeasable right and right divine, which no earthly power could annul; but all that abominable and pernicious doctrine had long since been reprobated and exploded. The crown was declared hereditary by known laws, grounded on other and wiser principles; and did not those laws that made the crown hereditary, make the executive government of the country hereditary likewise? He would maintain the treasonable words he had been charged with, that during his majesty's illness, and only during his incapacity to discharge the duties of the high office his majesty was invested with, *his royal highness the prince of Wales had an undoubted claim to exercise the sovereign authority in the name and on the behalf of his royal father.* It was the duty of the two houses to restore the royal authority, and that immediately; and he defied the minister, acute as he was, to controvert that assertion; but, if the two houses of parliament took advantage of the present calamitous state of the country, to arrogate to themselves a power to which they had no right, they acted contrary to the spirit of the constitution, and would be guilty of treason.

The doctrines advanced by Mr. Fox upon this occasion, being severely commented on, both in the upper house of parliament and by the public at

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large, and many misrepresentations having gone abroad on the subject, Mr. Fox took the first opportunity of the house meeting again, to rise in vindication of himself. No member, he said, was more indifferent to newspaper paragraphs, reports, and representations, than he was; he scarcely ever looked into any of their accounts of what he said in the house, without finding some part of his speech misrepresented, but he had thought it beneath him to take any notice of it, trusting, that if he had expressed himself clearly, the candour of that house, and the recollection of those who heard him, would do him justice. What he rose to complain of was a very different matter. There had, he said, been representations, or rather *mis*representations, not in newspapers, not in pamphlets, not in coffee-houses; but there had been misreprentations of what he had said in that house, made before a public and august assembly, by a grave person, in high authority, and of dignified rank, (lord Camden, president of the council.) He desired mankind to judge of him and his opinions, from the sense of those opinions, and his meaning, as explained at the time. There were, he said, different sorts of misrepresentations; there might be some wilful and intentional misrepresentations, others arising rather from levity, caprice, and wantonness, than mischievous design; and again, another description of misrepresentations arising from the misconception of honest minds, made by persons, who were themselves mistaken, and acted upon that mistake.

After several introductory remarks of this tendency, Mr. Fox said, the first thing he must clear himself from was, the supposition of having spoken from the authority of any person whatever, much less from the authority of his royal highness the prince of Wales. He had spoken merely of himself, and delivered his opinion as an individual member of parliament.

parliament. In that private capacity, and without the prince of Wales's authority, he had freely delivered his opinion. He would now state that opinion, as he had entertained it then, and still entertained it, and to guard against misconstruction, more than he had yet done. His opinion was, *That from the moment that the two houses of parliament declared the king unable to exercise the royal sovereignty, from that moment, a right to exercise the royal authority, with all its functions, attached to the prince of Wales*, for the time such incapacity might exist.—When this opinion was quoted in the upper house, a new term had been interpolated, by which he was made to say, that the prince of Wales had a right to *assume* the royal authority upon the interruption of its personal exercise in consequence of the king's illness and incapacity. He must deny that the word *assume* or *assumption* had once occurred in his speech. The idea which he meant to convey was this, That the exercise of the royal authority was the *right*, under such circumstances, of the prince of Wales; but he had spoken of it as a *right* and not *a possession*. Before the prince could exercise that right, he must appeal to the court, competent to decide, whether it belonged to him or not, and from the adjudication of that court receive the possession. With the lords and commons of Great Britain rested the adjudication of the prince of Wales's right; and by them he was to be put into possession. But, in considering it, they were not to exercise *discretion*, whether he was, or was not, the proper person to exercise that right; but whether or not he really had it; they were not then in the capacity to legislate, but only to judge, functions, which they all knew to be clearly distinct. The more clearly to understand this, it was necessary to explain the precise meaning of the word *election*, and to contrast it with the term *adjudication*. That house could *legislate* and *provide* such measures as it deemed adviseable for the public interest.

When they individually gave their votes for such persons, whom they thought most fit to represent them in parliament, they made their *election* of their representative; but when they sat in a committee above stairs, to try whether A. or B. was entitled to a seat as representative for such or such a borough, they sat as judges, and their report was an adjudication of the right of A. or B.

In this situation did the house stand at present; they had not a legislative power, for the invigorating principle, which gave life and action to that power which was wanting. As the monarchy was, on every principle of the constitution, hereditary, so, of consequence, was the exercise of the executive power; and the house, in its deliberation, was not at liberty to exercise its discretion, or to chuse a parliamentary regent; they were not to consider, whether they were about to make a *prudent election*, but bound to *pronounce a just judgment*.

He had, in terms the most explicit and unequivocal, asserted it as his opinion, that when that and the other house of parliament declared his majesty incapable of exercising the royal authority, that was the precise period when the prince's right attached, and when that house ought not to delay in restoring the royal authority. Had he not said, that the same principles which made the crown hereditary, made the executive power, and the government of the country, hereditary likewise? Upon that ground it was, that he had argued as he had done, and that he conceived to be the nature of the prince of Wales's right. He could not, therefore, be supposed to mean, that the prince would be justifiable, when the houses were sitting, in taking upon himself the powers and authority of regent, until they were adjudged to him by parliament. If there was no

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parliament either sitting or existing, then, indeed, it would have been the duty of the prince of Wales to have called a *convention* of the lords and commons; to whom the cause of their being so called might have been explained, and by whom his right, and the circumstances on which it originated, might be recognized; and that then being met by him, as exercising the delegated functions of the royal power, they would become a legal parliament.

Having thus, as he hoped, clearly explained his meaning, he was free to acknowledge, that more difference of opinion prevailed respecting the *right* of the prince of Wales to exercise the royal authority, under the circumstances so often stated, than he could have expected; but much of the difference of that opinion, he found, arose from some *nice, logical, and legal distinctions,* taken between the terms *right* and *claim;* distinctions more equivocal, in his mind, than solid and substantial, and which were rested on arguments, that, he confessed, his understanding was too dull to comprehend. One idea he had learnt was, that it was allowed by some, that the prince of Wales had an irresistible claim, which the parliament could not reject or refuse, whenever it was made, without forfeiting their duty to the constitution. To that idea, he, for one, had no objection; because he knew no difference between an irresistible claim, and an inherent right. In another place the *right* of the prince of Wales had been gone into deeply, and that by persons every way qualified to discuss it, who gave all their sanction and authority to his opinion.

If the prince of Wales had done him the honour to have asked his advice

advice how to proceed, he should have told him, as parliament was sitting, that he thought his royal highness might have sent a message to either house, or to both houses of parliament, stating his claim, and calling upon them to decide upon it. But, as he had said on a former day, his royal highness's forbearance was such, that he would send his claim to neither house of parliament; but would wait patiently, and with due deference, being conscious, that the two houses ought to *find* that claim, and restore the royal authority. Mr. Fox said, he could not help thinking, that the conduct of his royal highness deserved the commendation he had bestowed on it, and was entitled to universal applause. He declared, he had sanguine hopes, that in the adjustment of a business of so very delicate and important a nature, men, of every description, would have concurred in one leading and essential circumstance, viz. that let there exist what doubt there might of the prince of Wales's *right* to exercise the royal authority, under the present circumstances of the country, there could be none of the propriety of investing him with the sole administration of government, and with the exercise of all the regal functions, powers, and prerogatives.—His opinion therefore was, *to declare his royal highness* REGENT, *for the purpose of exercising all the regal powers, in the same manner, and to the same extent, as they might have been exercised by his majesty, had his health been such as to render him capable of continuing to exercise the royal authority.*

Mr. Pitt maintained his former opinion; insisted that the prince of Wales had no abstract right to assume the functions of royalty, without the previous consent of both houses of parliament; and declared that it was the duty of the house in the first instance to decide, whether there

was any right in the prince of Wales to *claim* the exercise of the regal power, under any circumstances of the country, independent of the actual demise of the crown.

Mr. Fox, in explanation, observed, that when he stated that the prince of Wales had a right to exercise the royal authority, he must undoubtedly have meant, to exercise it as a trust from the people, which parliament might resume, alter, and modify, just as parliament thought proper. If that trust was abused essentially, the people of England might resume it, as had been done in the case of the revolution. In all cases of necessity, forms, which were meant only for the protection of their liberties, must give way to what they were intended, not to oppose but, to guard. The regency was a trust, in behalf of the people, for which the prince was responsible, in like manner as his majesty, and every monarch that ever sat upon the throne, were responsible for the due execution of their high office.—He professed that he saw no sort of necessity for coming to a division on an abstract proposition, when they had measures of so much solidity and substance to take; and thought it better for both houses to convince men by their acts, and not by abstract resolutions.

A variety of circumstances concurred to render the agitation of the prince's right extremely ill-timed for the party with whom Mr. Fox acted All public bodies are fond of power; and the parliament of Great Britain, being told by grave authority that they had a sceptre to bestow, with feelings very natural for a public body in such a predicament, were unwilling to wave so important a privilege. Another consideration was, the unpopularity of the prince of Wales. His debts had been paid the preceding year to a large amount, and the minister had dexterously contrived that

that all the odium of that measure should rest with the confidential friends of the prince. But what perhaps operated most to the disadvantage of the heir apparent, was a ridiculous report which prevailed at this time, and was credulously believed by many, whose stations in life should have rendered them superior to so gross a calumny, that his royal highness had contracted a marriage, according to the rites of the Romish church, with a catholic lady. It was in vain that the friends of the prince declared, that the fact not only never could have happened legally, in consequence of the restrictions of the royal marriage act, but never did happen in any way, and had from the beginning been a vile and malignant falsehood. Notwithstanding an explicit declaration to this effect was made in the house of commons, by Mr. Fox, at the time when the prince of Wales's debts were under consideration, it was very far from removing suspicion; and many honest and well-meaning members of parliament, who otherwise probably would have voted for the prince of Wales's absolute right to the regency, under a strong jealousy of this connection, supported the proposition of the minister. Above all, the peculiar circumstances of popular delusion under which the house of commons was convened, and which gave the minister so powerful an influence in that house, still existed in considerable force, and therefore any proposition proceeding from the distinguished leader of the opposition was certain to be received with the utmost circumspection and reserve.

In a committee on the state of the nation, December 16, the prince's claim to the regency was fully discussed, and a resolution passed, declaring, that it was the right and duty of the lords and commons to provide the means of supplying the defect of the personal exercise of

of the royal authority, arising from his majesty's indisposition. Mr. Pitt, who took the lead in this important debate, observed, that as a doubt had been thrown on the existence of what he had ever conceived as the most sacred and important right of the two houses of parliament, it became absolutely necessary for them to decide that doubt, and by such decision ascertain whether they had a right to deliberate, or whether their deliberations must be exceedingly short, and they should only have to adjudge, that such a right as had been mentioned was legally vested in his royal highness the prince of Wales. In his opinion, no such right or claim vested in the prince of Wales, as heir apparent, to exercise the royal authority during the incapacity of the sovereign, could be proved either from precedents drawn from history, from law, or from the spirit of the constitution. He contended, that all precedents of incapacity in the sovereign, whether from illness, infancy, or absence, were precedents in principle, and applicable by clear analogy and logical inference; and he called on Mr. Fox to point out a single case of the infancy, infirmity, or illness of a sovereign, in which the full powers of sovereignty were executed by any one person whatever. The precedents quoted by Mr. Pitt were those of Edward the Third, Richard the Second, and Henry the Sixth, in all which instances it appeared that the royal authority had been conferred by the grant of the two houses of parliament.

Mr. Fox attacked these precedents with admirable ingenuity of argument. Was the practice of the present times, said he, times so enlightened, and in which the principles of the constitution were so well understood, to be grounded on precedents drawn from so dark and barbarous a period of our history as the reign of Henry the VIth? Were the rights of

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the house of commons, and its proceedings in one of the most difficult moments that had ever occurred, to be maintained and vindicated by the example of the house of lords; at a time when that house of lords had the complete dominion of the executive government, which they exercised with no unsparing hand; at a time when the rights of the commons house of parliament were so ill understood, or so weakly sustained, that its speaker was actually in prison, on commitment of the house of lords; in prison upon a judgment in favour of that duke of York, whose measures administration had avowed it to be their intention to imitate? Let the committee reflect a moment on the period, the infamous transactions of which were chosen to be made the model of the proceedings of that day; that period which led immediately to the wars between the houses of York and Lancaster, and was that melancholy æra, at which all the dismal scenes of anarchy, confusion, civil warfare, and bloodshed, that so long desolated the kingdom, and reduced it to a state of unparalleled disgrace and distress, commenced. Were the committee to select their precedents from such times, and to govern their conduct by such examples? From a time too when the house of commons was prostrate at the feet of the house of lords, when the third estate had lost all energy and vigour, and when all the power lay wholly in the hands of the barons. Precedents drawn from such times could not be resorted to with safety, because there was no analogy between the constitution then, and the constitution as established at the revolution, and since practised. All precedents taken from periods preceding the revolution, must be precedents that bore no analogy to the present case; because at no one period, before the revolution, was civil liberty clearly defined and understood, the rights of the different branches of the legislature ascertained, and the free spirit of our constitution felt and acknowledged.

ledged. The early periods of our history were such as only shewed the changes of hands, into which power shifted, as the circumstances of the times ordained. In one reign, the power would be found to have been in the king, and then he was an absolute tyrant; in others, the barons possessed it, and held both king and commons in the most slavish subjection; sometimes the democracy prevailed, and all the oppressions of a democratical government in their fullest enormity. No precedent, therefore, drawn from times so variable, where right and wrong were so often confounded, ought to be relied on. Amidst all the precedents, either in the history of Britain, or the records of parliament, he desired to know if they had found one of *a prince of Wales, of full age and full capacity, who had been denied the exercise of the sovereignty, during the known and declared incapacity of the sovereign?*

Two assertions of positive right, he observed, had been made on both sides of the house. On his side, the assertion of the right of the prince of Wales, being heir apparent, and of full age and capacity, to exercise the sovereign authority during his majesty's infirmity. On that of the minister, the assertion that the prince had no more right to exercise the sovereign authority, under such circumstances, than any other individual subject. Since the right honourable gentleman was determined to make it a personal question between them, since he condescended to consider him as his rival, and chose to have recourse to his majority, why would he not try his opinion, and let the question be, "That it is the opinion of this committee, that his royal highness the prince of Wales, being heir apparent, and of full age and capacity, *has no more right to exercise the royal authority, during his majesty's incapacity, than any other individual subject.*" The minister well knew, he durst not venture to

subject such a question to debate. He well knew, that with all his majorities, he could not risque it; he well knew, that if he could have so far lost sight of prudence, as to have hazarded such a question, notwithstanding his high character, and known influence within those walls, there would not have been twenty members who would have supported him in it. In fact, he well knew, that the moment he let such an opinion escape his lips, it was execrated by all who heard it, and that it had since been execrated by all who had heard it out of doors. What had been the consequence of this? Conscious of his error, and conscious that so monstrous a doctrine as he had suffered himself, in an evil hour, to deliver, had revolted the public mind, the right honourable gentleman had seized on the first moment that offered, to qualify what he had said, by unnecessarily coming forward with a declaration, that, though he would not admit the prince of Wales's *right* to exercise the sovereign authority, during the incapacity of his father, yet he confessed, that on grounds of expediency, and as a matter of *discretion*, the person to hold the regency ought to be the prince of Wales, and no other; that it would be wrong to appoint any other person than the heir apparent to the regency; but that the house had certainly no idea of possessing a *right*, which, if exercised, became a *wrong*. He had acknowledged that this right, which he had insisted belonged to the two houses of parliament, would be a breach of duty to their constituents; yet he would not give up the *right*, but vindicated its propriety from his discretion in the use of it.

This mode of argument, Mr. Fox said, reminded him of what had passed in that house about thirteen years before, between an eminent crown lawyer (lord Thurlow) and himself. At the time to which he re-

ferred, the argument was the right of this country to tax America, when he contended, that Great Britain had an undoubted right to tax her American colonies, but that the exercise of that right would be in the highest degree unjustifiable on the part of Great Britain. In answer to this, that great lawyer, with a quaintness peculiar to himself, said, "I should be glad to know what that *right* is, which, when attempted to be exercised, becomes a *wrong?*" In the present case, the right honourable gentleman had acted upon the converse of the great lawyer's maxim; he had pronounced the *right* a *wrong*, and having done so, he had immediately proceeded to exercise it in the most effectual manner. It was the supreme legislature alone, Mr. Fox maintained, had power to do wrong. In one point of view only could he imagine the existence of a right, which, when exercised, might become a wrong, and that was this; when the three branches of the legislature, consisting of king, lords, and commons, had a right to authorise and act *a moral evil.* They might set aside the succession, and deprive the prince of Wales of his hereditary right to succeed his present majesty; but this enormity could not of right be practised by the two houses of parliament, independent of the consent of his majesty, any more than the minister could set himself up in competition with the prince of Wales, and contest with him as a claimant for the regency.

He repeated his opinion that a right attached to the prince of Wales, as heir apparent, to exercise the sovereign authority, upon the king's incapacity being declared by the two houses of parliament; the prince's right, however, being all along considered as subject to the adjudication of the two houses of lords and commons. This opinion he had not changed, nor did he feel the smallest disposition to change it; and indeed

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an honourable and learned gentleman (sir R. P. Arden, the master of the rolls) seemed to be so much of his opinion, that he had, if he understood him rightly, expressly declared, that in case of the demise of the crown, nothing short of an act of exclusion could prevent the prince from succeeding to the throne; and that nothing short of such conduct as would deservedly warrant an act of exclusion, ought to set a prince of Wales, of full age, and full capacity, aside from the regency. The counter opinion to his was fraught with so many, and such enormous evils, that he was persuaded no moderate man, who considered the subject with the degree of attention that it most undoubtedly merited, would, for a moment, maintain it, either on the ground of right, of expediency, or of discretion.

But whatever his opinion was, why should that right be discussed, which had been neither claimed, nor was intended to be claimed?—That this was the precise state of the fact, was not to be doubted, since the declaration that had been so graciously communicated from the highest authority in another place *. Of the manner in which that communication had been made, and the commendation that was due to the exalted personage who made it, he would not say one word, because he would not

* The question of the prince of Wales's right to the regency had been discussed in the house of lords the preceding evening, when the duke of York, in the name of the prince, assured their lordships, that "his royal highness understood too well the nature of, and too religiously reverenced those sacred principles which seated the house of Brunswick on the throne of Great Britain, ever to assume or exercise any power, *be his claim what it might*, that was not derived from the authority of their lordships, and from the will of the people, conveyed through their representatives, in parliament assembled."

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run the risque of having what was due to merit, mistaken for fulsome adulation, and servile flattery. But the claim thus disavowed, how must the preamble of a bill run, truly to describe the case as it stood at present?—"Whereas his royal highness the prince of Wales has never claimed a right to the regency, it becomes necessary for the lords spiritual and temporal, and for the commons of England to declare, that his royal highness has no right, and we, therefore, do declare his royal highness sole regent of these kingdoms."

Mr. Fox reasoned on the absurdity of a bill so worded, and contended that it must be so worded, if they made a course of law the ground-work of the bill, unless they falsified the fact. All this difficulty and embarrassment, he observed, was created when there was not the smallest occasion for it, since it was the concurrent opinion of the whole nation, that the prince of Wales should be the regent. Why then should the right honourable gentleman thus agitate the matter, unless it were for the little purpose of personal triumph?

He condemned the boasting language that had been held on this occasion of gratitude to the sovereign, and the strong assertions that had been made use of, that such gratitude should be exemplified by the conduct of those, who confessed themselves under personal obligations to the sovereign *. Personal attachment, he contended, was no fit ground for public

* Mr. Fox probably glanced here at what had fallen from lord Thurlow in the upper house the preceding evening, and occasioned much notice at the time. His lordship said, "his feelings were rendered more poignant, from having been in habits of personally

public conduct; and those who had declared they would take care of the rights of the sovereign, because they had received favours at his hands, betrayed a little mind, and warranted a conclusion, that if they had not received those favours, they would have been less mindful of their duty, and have acted with less zeal for his interest. He owned himself indebted to the heir apparent, for having been for several years favoured with his confidence; but neither had that flattering mark of distinction been made the subject of his speeches in that house, nor had he ever considered it as a proper motive for his public conduct. He was, and always had been, ready to

personally receiving various marks of indulgence and kindness from the suffering sovereign. His debt of gratitude to his majesty was ample, for the many favours his majesty had graciously bestowed upon him, which, *when he forgot, might God forget him.*" Mr. Burke, alluding to this celebrated speech, and another by the same noble person, in which he compared the king to the unfortunate Darius,

> " Deserted in his utmost need
> By those his former bounty fed,"

observed, with sarcastic ridicule, that "the theatrical tears which were shed on those occasions, were not the tears of patriots for dying laws,—but of lords for their expiring places. The iron tears that flowed down Pluto's cheek, rather resembled the bubbling of the Styx, than the gentle murmuring stream of Aganippe. In fact, they were tears for his majesty's bread; yet those, who shed them, would stick by the king's loaf as long as a single cut of it remained; they would fasten to the hard crust, and gnaw it, while two crumbs of it held together; and what was more extraordinary, they would proudly declare at the time, that it was the honour of the service, and the dignity of their offices, which they regarded; and that, as to the emolument, they did not value the money *three skips of a louse*. This was gratitude, a degree of gratitude which courtiers never failed to exhibit!"

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avow his attachment; and when he mentioned his regard for the princes of the house of Brunswick, it was not to superinduce obliquely his own praise, from the confidence which they placed in him. That was a narrow principle, which he should ever hold in disdain. Neither on the present occasion, nor at any time, if he thought the objects of his royal highness incompatible with the public interests, should he think he paid a compliment to the prince, any more than he should think he acted consistently with what was due to his own character, in suffering the consideration of the terms on which he lived with his royal highness to bias him in the smallest degree, or induce him to act contrary to what he, in his conscience, thought most likely to promote the welfare of the public. Whereas the right honourable gentleman appeared to act on a very opposite principle, and repeatedly introduced the name of the sovereign, though seldom for any other purpose than an ostentatious display of the confidence reposed in himself. He rarely mentioned the royal family, or the royal person, but it terminated in a pompous display of his own merits, in an indirect encomium on himself. To the house of Brunswick this country stood in an eminent degree indebted; indeed, few princes ever deserved the love of their subjects more than the princes of that house. Since their accession to the throne, their government had been such, as to render it highly improbable, that there should ever be ground for an act of exclusion to pass, to set aside one of their heirs from the succession, or that such a circumstance should ever become a necessary subject of deliberation. If the princes of the house of Brunswick had at any time differed with their subjects, it had been only on collateral points, which had been easily adjusted in parliament. No one of the princes of that house had ever made an attempt against the constitution of the country, although, had such a mischievous design been

meditated, there had, at most times, been a party existing, that would have been ready to abet them in any scheme, the blackest and most fatal that ever tyrant devised against the liberties, or the happiness of his subjects. The love, therefore, of the people, was due to the illustrious family on the throne, in so peculiar and eminent a degree, that every thing that looked, as if it could, at any distance, endanger the hereditary right of the house of Brunswick to the succession, ought to be guarded against with peculiar jealousy and peculiar caution.

Exclusive of the public voice, not only the spirit of the constitution pointed out the heir apparent as the fittest person to be regent, but the act of settlement might be defeated, if his royal highness were passed by, and the doctrine of the right honourable gentleman carried into effect.—Let the committee consider the danger of making any other person regent besides the prince of Wales. If the two houses could choose a regent, they might choose whom they pleased; they might choose a foreigner, a catholic, (for the law defines not the regent,) who, while he held the power of the third estate, might prevail on the other two branches of the legislature to concur with him, alter, or set aside the succession, and turn away the house of Brunswick, and put them in the situation of the house of Stuart. He saw this doctrine was deemed extravagant, but he meant to put an extravagant case: he did not, however, put an impossible one; and he had the same right with numbers on the opposite side, who, in all their reasonings, argued the danger, or the inconvenience they apprehended, on possibilities only. Let them turn to the favourite period of our history, favourite at least with the other side of the house, the reign of Henry the Sixth, and they would find that Richard duke of York took advantage of his power as protector of the kingdom, actually

actually disinherited the prince of Wales, and the whole line of Lancaster, though they were more nearly allied, and had much better pretensions to the crown than the house of York.—The same dismal scene that had disgraced our annals, at that period, might be acted over again, if the two houses of parliament ever concurred to subvert the constitution, by assuming to themselves the exercise of the royal prerogative, and arrogating the right to legislate, and to make law, in the teeth of the statute of the 13th of Charles the Second, which not only declared that the two houses of parliament could not make laws without the consent and concurrence of the king, but also declared, that whoever should presume to affirm the contrary, should be guilty of high treason, and incur the pains and penalties of a *præmunire*.

To make a law for the appointment of a regent, he considered, as far as it went, a conversion of the succession of the monarchy, from hereditary to elective. The right to make laws rested only in the legislature complete, and not in the concurrence of any two branches of it. Upon this very principle was our constitution built, and on the preservation of it did its existence depend. Were the case otherwise, the constitution might be easily destroyed, because, if the two branches could assume the power to make law, they might, in that law, change the genius of the third estate.

The present situation of affairs had, he said, been compared to the revolution, but, in fact, it was no ways similar. The throne had then been declared *vacant*, and the rest of the constitution remained; now the throne was declared *full*, but its authority was suspended. At the period of the revolution, the convention that was then assembled, conscious that

they could not make any change in the genius of the monarchy, until they had a head, first restored the third estate, and then defined its power. Whereas the committee were called on to decide in a different way, first to new cast the office, and then to declare the officer.—Suppose that the crown and the house of lords could make laws without the concurrence of the house of commons, or the crown and the commons, independent of the lords, or the two houses of parliament without the crown. In either case, the constitution was gone. The safety of the whole depended on the jealousy of each of the other; not on the patriotism of any one branch of the legislature, but rather on the separate interests of the three, concurring through different views to one general good—the benefit of the community. This jealousy was reasonable, was well founded; it was founded on a knowledge of the human mind, which is prone to the extension of its own power, and to the depression of a rival. All these principles and arrangements would be destroyed by the present project, which would radically alter the government, and of consequence overturn the constitution.

He explained the particular powers of the crown to defend itself against any encroachment on the part of the commons, or to resist any faction in the house of lords. In the one case, by a dissolution, the king might repel the attempt on his prerogative; and by the increase of the peerage, he might quell the other. He argued also on the power of giving either an *assent* or a *dissent* from any bill, a power which operated equally against the single design of one, or the confederate union of the two houses, to trench on the constitutional rights of the crown, and pointed out the disadvantages of subjecting the sovereign to such difficulties, as he would be liable to encounter, were the power of dissolution,

lution, increase of peerage, and the right of giving assent or dissent to bills taken away.

If there was to be a monarch, he concluded that the monarchical power ought to be entire, declaring, that the name and rank of a king, without the possession of regal powers, was a being that did not come within the reach of his conceptions. All the metaphysical suppositions of the law, which mentioned the crown with so much sanctity and reserve, were certainly not intended to guard an empty name, but an essential substance. They were ready to allow there were many political capacities in the king; but then, he could not exercise them. It surely was a great advantage, that he was possessed with faculties he was not to exert, with energies that he was not to put into motion! If it appeared to that house, that the royal prerogative ought to be circumscribed, let them invest a proper person with it, and then openly and manly contend for the circumscription or diminution of its powers; but, to aim at an adversary incapable of resistance, was neither brave nor noble. In the way in which they proposed to treat it, it would stand a defenceless butt, exposed to the stroke of every weapon that might be levelled against it. An hereditary monarchy was justly looked upon as the happiest monarchical institution. We gloried in the circumstance of our government being free; we also thought ourselves fortunate, that the succession of the crown was *hereditary*, and not elective.

He then pointed out the danger of making the regency elective, and of the two houses setting aside the hereditary right of it; insisting that the possession of the crown, and of the executive authority, must, in the nature of things, be governed by the same principles. In order to illustrate

trate this, he put the case of a Polander asking an Englishman whether the monarchy of Great Britain was *hereditary* or *elective*. Any man familiar with the theory of the constitution would naturally think, that the ready answer would be, that it was hereditary. But if the doctrine of that day prevailed, the answer must be, "I cannot tell; ask his majesty's physcians. When the king of England is in good health, the monarchy is *hereditary*; but when he is ill, and incapable of exercising the sovereign authority, it is *elective*."

The assertion, that the British monarchy was *elective*, was, however, so palpably hostile to the principles of the constitution, that it would not be tolerated for a moment.—How then was the difficulty to be surmounted?—A subtle and politic lawyer might be found, who would plausibly advance, that though it must be allowed, that the monarchy was *hereditary*, the executive power might be *elective*. Thus the crown and its functions might be separated, as if they were in their nature distinct; whereas the one was the essence, and the other the name.—He pursued his argument in a hypothetical dialogue between the Englishman and the Pole, with the occasional aid of the politic lawyer, to reconcile contradictions, and explain apparent impossibilities, very forcibly holding up to ridicule the argument of the gentlemen of the long robe, that the political, as well as the natural capacity of the king, remained whole and entire, although he was declared incapable of exercising his legal functions *.

If

* The attorney-general, (sir A. Macdonald,) in the course of his speech, desired that "the distinction between the *politic* or official capacity of the crown, and the *natural* and

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If the crown were to have new functions, why there should be a king, was beyond his imagination to discover. The legal metaphysics which distinguished between the crown and its functions, were to him unintelligible; they should be *schoolmen*, and not *statesmen*; fitter for colleges of disputation, than a British house of commons, if a question that so deeply involved the existence of the constitution were to be thus discussed. He asked, where was that famous *dictum* to be found, that declared the crown to be guarded with so much sanctity, and left its powers at the mercy of every assailant?

After exposing the absurdity of legal metaphysics, and calling upon the gownsmen to shew him the *dictum* that supported the opposite assertion, viz. *that the prince of Wales had no more right to exercise the royal authority, during his majesty's incapacity, than any other individual subject.*" Mr. Fox proceeded to notice that part of the argument advanced against him, that he had deserted the cause which he had, heretofore, been supposed to claim the peculiar merit of standing forth, on

human capacity of the person of the king, might ever be kept separate; for upon that distinction depended the whole rectitude of their proceedings. The *politic* capacity was *not disorderly*, the *natural capacity not so*. The former required no supply, the latter, only, unfortunately did. The mode in which the latter was supplied, in ancient times, lay in some obscurity—but at present the two houses of parliament were the only possible counsellors to advise the king's *politic* capacity, as to the mode in which the exercise of the *natural* capacity might be supplied, to meet the exigencies of government."—Such were the ridiculous subtleties to which a great lawyer had recourse in a case so plain, that any thing short of absolute perversion of mind, or the most infatuated self interest, could not have hesitated a moment to have pronounced a right judgment upon it.

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all occasions, to defend; the privileges of the house of commons, against the encroachments of the prerogatives of the crown. His own resistance of the latter, he said, when he thought it had been increasing unconstitutionally, was well known; the influence of the crown had been more than once checked in that house, and, he really believed, to the advantage of the people. Whenever the executive authority was urged beyond its reasonable extent, it ought to be resisted; and he carried his ideas on that head so far, that he had not scrupled to declare, that the supplies ought to be stopped, if the royal assent were to be refused to a constitutional curtailment of any obnoxious and dangerous prerogative. Moderate men, he was aware, thought this a dangerous doctrine; but he had uniformly maintained it; and the public had derived advantage from its having been carried into effect. He desired to ask, however, if this were an occasion for exercising the constitutional power of resisting the prerogative, or influence of the crown in that house? He had ever made it his pride to combat with the crown in the plenitude of its power, and the fullness of its authority; he did not wish to trample on its rights, while it lay extended at their feet, deprived of its functions, and incapable of resistance. Let the right honourable gentleman pride himself on a victory obtained against a defenceless foe; let him boast of a triumph where no battle has been fought, where no glory could be obtained. Let him take advantage of the calamities of human nature; let him, like an unfeeling lord of the manor, riot in the riches to be acquired by plundering shipwrecks, by rigorously asserting a right to the waifs, estrays, deodands, and all the accumulated produce of the various accidents that misfortune could throw into his power. Let it not be my boast (exclaimed the orator) to have gained such victories, obtained such triumphs, or advantaged myself of wealth so acquired.

Mr. Fox concluded with forcibly calling upon every honest member of the house not to vote without perfectly understanding what the question went to, as well as the resolutions. With regard to the right honourable gentleman's motives, he knew not what they were; but if there was an ambitious man in that house, who designed to drive the empire into confusion, his conduct, he conceived, would have been exactly that which the right honourable gentleman had pursued. The resolutions moved, he considered as insidiously calculated to convey a censure on an opinion that *he* had delivered, while they served as an evasion of an assertion, highly revolting to the public mind, made by the chancellor of the exchequer. This, he repeated, was a pitiful shift, totally irreconcileable with the confidence which the right honourable gentleman placed in the expectation of a majority. In majorities, he had no great trust. For more than eighteen years of his political life, he had been obliged to stem the torrent of political power, and sometimes he had enjoyed the satisfaction of finding himself in a majority of the same parliament, of which, in the prosecution of the same principles, and the declaration of the same designs, he had only been supported by a minority before. Whether he was, therefore, in a majority or a minority, was the same thing to him. He would never, insidiously, take advantage of the one to carry any measure, under the colour of another; any more than to abandon or flinch from any question, merely because he thought he should be abandoned by the house.

On a division of the house on this memorable occasion, the minister's resolutions were carried by a majority of 64—the numbers being for the resolutions 268—against them 204.

On the 22d of December, Mr. Pitt brought forward his third resolution, empowering the lord chancellor to affix the great seal to such bill of limitations as might be necessary to restrict the power of the future regent. This mode of procedure was opposed with great strength of argument by Mr. Burke, lord North, and Mr. Fox. The latter observed, that much stress had been laid on the *forms* of law; he had ever regarded them merely as the guards of the substance; and he thought that whenever they departed from a secondary office to a principal, they were no longer entitled to his respect, but he must instantly refer to the substance and essence of the constitution.

In proceeding on this measure, Mr. Fox said, there were three courses which might have been taken. The first of these was suggested by the forms pursued in the first year of Henry the Sixth, a precedent which had been often quoted. The mode, then pursued, was by granting a commission under the great seal, to the heir *next of blood*, empowering him to convene the parliament, with all the regal privileges annexed to that act, of proroguing, dissolving, &c. This was, in his opinion, infinitely a more eligible manner of attaining the royal assent than that now proposed: in the one, the assent was obtained by a *fair fiction*, in the other by a *low fraud*. The consent to be given, naturally, implied its opposite, and no consent could be alledged as fairly given, when there was not, at the same time, an opportunity of dissent.—Two circumstances were always to be inferred from this and other precedents of the same date,—that the regency was ever conferred on the next of blood—and that it was then given, with the power he had stated, in all its plenitude. Little could be drawn from the limitations afterwards laid on the duke of Gloucester, which sprung not from the reason of his situation, but from the exigency

exigency of the moment. The whole of the transaction was worth some degree of contemplation. On the demise of Henry the Fifth the crown devolved to his son, an infant of only nine months old. The council, at that time in existence, repaired to the infant king, and the bishop of Durham, then chancellor, delivered the great seal, not, he supposed, into the personal hands of Henry the Sixth, because he could hardly be capable of receiving it. The duke of Gloucester, the nearest of kin to the king, took the seals, and delivered them to the master of the rolls, directing him to put the great seal to a committee appointing him protector, in the name, and on the behalf, of the king; also to a number of writs summoning the parliament to meet at Westminster. In that parliament, one of the first things done, was to pass an act of ratification and indemnity, for having summoned a parliament in that manner, and to declare it a legal parliament. Here then was a regular legislature, which recognized the third estate in the person of the duke of Gloucester, who represented the crown, and had all the powers and prerogatives in their full extent, in like manner as if he had been the sovereign; and it was observable, that such was the responsibility annexed to the duke of Gloucester's high office, that amidst all the acts of indemnity, passed by that parliament, the duke desired no indemnity for having thus employed the great seal.—This instance clearly made out in favour of his argument, for addressing the prince of Wales to take upon himself the regency.—They were called upon to set up a pageant, without the exercise of discretion, in giving either assent to a bill, or dissent from it; a mere puppet, a creature of the two houses of parliament, directed to obey them, and obliged, without any discretion, to give assent to such bill or bills as they should think proper to pass. The other precedents in the reign of Henry the Sixth, were those of the 32d and 33d of Henry, when, through

a temporary infirmity of the king, the duke of York was appointed regent. Mr. Fox commented on these two precedents, and shewed, that in both there was an actual third estate, exercising all the discretion as to giving the royal assent or dissent, enjoying the power of dissolving, proroguing, and convening parliament.

It was to be observed, however, that the transfer of the regal authority was, in those days, made by the council, which was then an executive council, or by the house of peers, which, at that time, frequently acted in the same capacity.—The first time that it was done, *auctoritatè parliamenti*, was in the instance of the duke of York, and immediately after the battle of St. Alban's, when the sound of arms had been heard, and when sober deliberation had, of course, been put to flight.

To avoid ambiguities in this discussion, it became necessary, he said, to remark, that whenever he spoke of the two houses acting of themselves, and without the concurrence of the *third* estate, he should speak of them as the two houses of parliament: whenever they had the sanction of the kingly power, he should mention them as the legislature.—This distinction, taken properly, would enable the house, puzzled as it had been in a maze of laboured difficulties, to distinguish fairly for themselves.

Mr. Fox then proceeded to consider the revolution, as a leading precedent in the present instance, the circumstances of which he distinguished as applicable to the present case, or the contrary. The one was an occasion arising from the misconduct of an arbitrary monarch; the other, a circumstance springing from accident. The one was an occasion, where

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wise men, looking to the *end*, were indifferent about the *means*, made every *form* give way. They were afraid, lest a foreign invader might take advantage of their domestic discontents, and join an external to an intestine war. All the actions springing from such a fear were, of course, inapplicable at the present moment, when no such assault was to be dreaded. He should, therefore, wholly lay out of the case, as inapplicable in point of analogy, all the circumstances of alarm that prevailed, from the danger to the nation of losing its liberties, religion, and constitution; on which account the convention set aside king James, and his son, the prince of Wales, and did not appoint his daughter Mary sovereign; but declared William and Mary king and queen; obviously for the reason, that he was the only person fit for them to choose, because he was the only person capable of defending their liberties and religion, and preserving the nation from the imminent danger with which it was threatened. At the revolution the two houses proceeded to declare William and Mary, king and queen. They looked to the only sovereign whom they could elect, and they proceeded not by mockery and fiction, but by an immediate address to the object of their choice.

The convention, continued Mr. Fox, knew the distinction between the organs which the legislature can use, and those which the two houses of parliament are compelled to employ. The former proceeds by act or bill —the latter by address or declaration; and thus it was in the case now mentioned. A part of their grievances was stated as being violations of existing laws; another, as resulting from the inadequacy of the laws to afford protection to the subject. Between these a broad line of distinction was drawn—they declared the former as matter of fact; and they reserved the latter to be guarded against by the provisions of a future statute. An attentive

attentive retrospect of these cases would serve to shew, that the former precedents tended to tion the mode which he had hinted at, of a commission granted to the prince of Wales; the latter cases went rather to justify the address proposed by the amendment*—but the expedient contained in the resolution was completely condemned, by a comparative recurrence to either class of precedent.

The statute of the 13th of Charles the Second was positive in its tenor, that any person mentioning the power of the two houses to legislate without the concurrence of the sovereign, should incur the penalties of a *præmunire*; yet in this instance, they were, in fact, to proceed to legislate *without the king*. But whom, he would ask, was the person, appointed by the commission, to consult or to obey? Was he to apply to the sovereign in his present state? No such thing could be mentioned. Was he to consult the council? No! there was no council at present. The two houses of parliament were, in fact, to legislate, and to perform between themselves the kingly functions.—The statute of the 13th of Charles the Second had been made for the purpose of condemning the long parliament, which had passed so many ordinances without the consent of the legal sovereign. But if the solicitor-general †, said Mr. Fox, had then

* The amendment proposed by Mr. Dempster was, to omit the latter part of Mr. Pitt's resolution after the words "determine on the means," and insert in their stead, "that an humble address should be presented to his royal highness the prince of Wales, praying that he would take care of the civil and military government of these realms during the continuance of his majesty's illness, and no longer."

† Sir John Scott, now lord Eldon.

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been in office, instead of sir Oliver St. John, the case would have been very different. The former would have certainly suggested the easy expedient of putting a man of straw, by a commission, in the place of the king; he would have issued every act in his name under the great seal, and who could then doubt their legality or propriety?—And yet, added Mr. Fox, had this been so argued in the house of commons at that time, it is a matter of doubt whether the *tyranny* would have been looked on as more deplorable, or the *sophistry* more miserable.

The first alarm to war, in the preceding unfortunate reign, had been given by the notice that the king's messages were not to be received but through that house. This was again contradicted in the parliament of Charles the Second, by whom it was declared, that the king's authority should not be conveyed but by himself or his deputy. This was a sufficient proof that the regal authority was by no means so communicable as had lately been supposed.—If the house did that which was dictated only by necessity, the exigency of the case would be their justification; but if they went farther, the judges would certainly not pursue, nor be guided according to their acts. If they proceeded as a convention, their proceedings were constitutionally limited to a declaration or address; but if they erected themselves into a legislature, they would be controled by no powers on earth, but their own temperance and moderation.

Having fully argued upon the precedents of the revolution, and recommended it to the house, as a fit example for them to follow upon the present occasion; he said, it would, by him, be readily admitted, whichever way they proceeded, whether by address to the prince of Wales to take upon himself the regency, or by adopting the method suggested by the

the minister, that the first act performed in such a case must be necessarily informal; but that they should hasten to recur from the winding path of novelty, as soon as possible, to the beaten road.—If the commission were given in the first instance to the prince, then every part of the constitution would be restored to life and energy:—in the other mode it would be totally incomplete in substance.—It was also to be considered, that *one* step in their return to the constitutional path was preferable to many, and that the *intermediate regent*, now proposed, was a being unknown to the constitution.

Mr. Fox concluded with some observations on the words of the resolution. He had, he said, in the course of this discussion, thrown out an opinion that a right attached to the heir apparent to exercise the functions of royalty during the incapacity of the king, and that the two houses should recognise this right, and put him in possession of it. In opposition to this opinion, the two houses came to a resolution that they alone possessed the right of nominating to the regency; but at the same time declaring they thought the prince the most proper person to be appointed. Bowing to their decision, he now wished them to go on, and to appoint the prince regent. Instead of this, what was the language and spirit of the next resolution? That they have no right, that they cannot appoint him. They must first do what was never done before in the history of this country, they must first form themselves into a legislature. Thus they first make a declaration of a right purely abstract; and having made it, they shrink from the exercise of the right they have arrogated. He then warned the house against the adoption of specious pretexts, by which, under the colour of original principles, they were to assume powers inconsistent with the constitution. There was no way so certain of bringing the

the popular branch of the legislature into popular odium, as by deviating from the precise path, marked out for it by the constitution, and straying within the limits of the other two, whom it was their duty to watch, but never to invade. Should they agree to the present resolution, they would facilitate the way to all the inroads of usurpation, and lend an aid to hasten the destruction of a fabric the most beautiful that human wisdom had ever reared, or long experience endeared to its delighted possessors.

When the proposed limitations of the regent's powers came to be discussed, Mr. Fox opposed them with much force, as calculated to introduce weakness, disorder, and insecurity into every branch of political business; to separate the court from the state; and to establish a weak government, and a strong opposition. He exposed, with great ability, the futility of the doctrine advanced by the law officers, "that the king's political character was, in the eye of the law, inseparable from his personal—that it remained entire and perfect—and would continue so to do until his natural demise." —This doctrine, which had been frequently urged, he had wished in vain to hear explained; for how that person, said he, whose political faculties were confessedly suspended by a severe visitation of Providence, could still exist in the full enjoyment of his political character, was beyond his understanding to comprehend. He well knew that human beings had been deified, before a true and more rational religion was revealed; but it was done with the moral view of enforcing obedience to power, and making mankind happy. He knew also, that there were characters in this country, to which he affected not to lay claim, who were sometimes called high churchmen, and sometimes tories, sometimes by one name, and sometimes by another, who had endeavoured to render majesty divine, in order to give vigour to authority. But what did we now? We

adopted the superstition of religion, and rejected its morality, which tended not to support government, but to enfeeble the arm of power. A learned gentleman had said, that his allegiance would continue during the life of the king, whatever might be the condition of his mind. This in some respects was true; but if it was admitted as an argument for the limitations contended for, and this allegiance was made to depend, not on the political capacity, but on the personal existence of the king, then all which they had heard, that these limitations were to be but temporary, and that the time would come when they must be revised, and the full power be given to the regent, was false and absurd. For, whether the king's malady endured one year, or thirty years, it was precisely the same in the contemplation of this doctrine; and the legislature could not vest the full powers of the crown in any other hands, while the person of the king remained.

With respect to the creation of peers, if gentlemen looked forward to a distant period, it would be found more dangerous than useful to restrict the prince's power of granting peerages. If he was not mistaken, which he could not suppose to be the case, the minister had conferred that rank upon no less than forty-two persons during the five years that he had been in office; and he had not the pretext of saying that any cabal was formed to thwart his measures in the house of lords, which made such a promotion necessary: and if such were the means which he had been obliged to resort to, surrounded with all the power and influence of the crown, what must be the condition of those who should have to contend, in the crippled state to which they would be reduced, with an opposition armed with so large a portion of the usual patronage of government?

Mr. Fox contended strongly against that part of the plan, which placed the whole disposal of the offices of the household in the hands of the queen. It was calculated to be productive of the most mischievous consequences. The minister exclaims, Who can imagine that a queen could combine against her son?—at the same time, he asserts, that heirs apparent have joined against the interest of the crown. If such facts occur in political history, why may not a mother be equally supposed to combine against her son? Have not other queens been biassed by bad advisers, and was our queen less likely to be thus influenced. Mr. Fox said, that he knew enough of the human heart to be convinced, that a competition for power breaks and dissolves all the dearest ties of nature, kindred, tenderness, and affection! The right honourable gentleman had asked, whether it could be supposed, that when he quitted his present office, he would head a factious opposition? That question he was not obliged to determine, and did not think it proper to discuss. An opposition might be in earnest, but not factious. He had spent the greatest part of his life in opposition, and though he might probably leave it for a time, he could not help feeling some hankering after opposition still. That love of former habits might, perhaps, arise from the probability of his being sooner or later obliged to return to opposition again; but from whatever cause it originated, that love, that hankering remained.—If the right honourable gentleman heads an opposition, let him not use unfair arms, or contrive any secret machinations. If any diminution of royal power be necessary, it is that of the crown, not that of a regent; for a regent being naturally weaker than the government of a king, ought to be strengthened by every constitutional prerogative. If this country should be afflicted with the loss of the king, then let us watch his successor, and not grant him one atom of power beyond what is strictly necessary.—The right hon. gentleman

having divested the regent of his just prerogatives, says, Do you wish for the purpose of giving away places, and offices, and emoluments? "My answer," continued Mr. Fox, "is, that I would not accept the government, without enjoying those powers and that patronage which are given me by the constitution. As for accepting such an office, for the mere sake of emolument, according to the low idea annexed to the word, it is what I disdain.—And the right honourable gentleman well knows, that if I sought an high office, merely on a principle of avarice, I must be the most ignorant of mankind!——Mr. Fox then asked, if the right honourable gentleman had not been said to have done eminent service to his country; that he had served his country on the continent, he admitted, but could he have done it without the use of that patronage, and of those emoluments, now to be withheld from the regent?

Mr. Fox ridiculed the lords of the bed-chamber, and called them that prætorian band of household troops, who, though they had fought bravely under the banners of the right honourable gentleman, might, if placed in opposition, prove factious and unsteady, and unable to endure the unproductive fatigues of an opposition campaign, might run over to the enemy. They were troops which the right honourable gentleman employed only on occasions of danger. But let it be remembered that those servants of the crown might destroy the crown.

The whole ground of the restrictions of the regency, was that of the probability of his majesty's recovery. He would not canvas that probability, but he must say, that the house went on most dangerous ground, when it changed the royal office rather than the royal person. To the

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period, said he, at which you conceive his majesty, if capable of being cured, is likely to recover, limit the restrictions, but do not limit the bill. The natural consequence, in the time of Charles I. of the two houses legislating without the king, was, that they impaired the power of the crown, and ultimately ruined the constitution, which had not been their intention. Why do we now attack the power of the crown? Not for the generous purpose of diminishing its influence in favour of the people, but for the superabundant love of the king, and from a wish to secure his restoration. But how shall we secure it? By mistrusting the regent, and placing an implicit power in parliament? They had better distrust parliament than the prince of Wales, because the prince had the greater interest in the crown, which must devolve to him after the death of his father.

It was said, will you suspect the power of giving away a few places can influence the queen? He would not suspect it of influencing *the* queen, but *a* queen. He would suspect that the queen might be as capable of loving power, as the prince of Wales of wishing to preserve it; and that she might be influenced by her advisers. Mr. Fox approved the idea of committing his majesty's person into the hands of the queen, but lamented the circumstance of her having so much power placed in her hands as that of disposing of the offices of the household.—The question respecting the household was plainly this: should the king have a pageantry, which he could not enjoy, to the detriment of the rights of the regent, and the principles of the constitution?

Before he sat down, Mr. Fox declared, that he should always consider his duty to his constituents as of the first importance, and prefer his duty in that house as a member of parliament, to that of being a servant to the crown.

crown. He should therefore be ready to oppose any inordinate power in the regent, as much as he used to do in the crown; but he hoped and trusted the house would not give its authority to a measure, which tended to break all the strings of government, and to violate the constitution.

This was the last time that Mr. Fox addressed the house on this singular occasion. His health had been impaired by the extreme rapidity of his journey from Italy, and he was now obliged to discontinue his parliamentary attendance, and repair to Bath. The king's recovery soon after superseded the necessity of any further proceedings in the business of a regency, and the government of the country quietly reverted into its old channel.

On his return to parliament, Mr. Fox, by the desire of his constituents, renewed a motion, which he had made before without success, for the repeal of the shop tax. He began with remarking, that in the various debates which had taken place upon it, year after year, the enemies of the tax and its supporters met each other at length on this fair issue. The latter contended that it was not a tax which was ultimately to fall on the shopkeepers, but upon their customers; while the latter maintained that it was actually a personal tax, which could not possibly be drawn from the customers, and which must of course fall upon the shopkeepers. Both sides admitted, that according to the principle on which the tax was imposed, the shopkeeper was to pay it in the first instance, but was afterwards to reimburse himself by charging it on the goods sold by him to his customers. But both sides differed upon the matter of fact, whether the shopkeeper could in reality reimburse himself at all: one side insisting that he could, the other as strenuously maintaining that he could not.

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Mr. Fox then said, that he considered the perseverance of the shopkeepers in praying for a repeal of it, as a strong presumption that the tax lay entirely upon them; for men would not give themselves and parliament so much trouble, to seek relief from the burden of a tax, which it was in their power to throw upon the shoulders of others. The shopkeepers of London, Westminster, and Southwark, were most liable to the oppression of this tax, and consequently best enabled to judge whether they felt it to be oppressive or not: and they had unanimously, steadily, and unremittingly opposed the tax, on the ground that it was oppressive to an intolerable degree.—Among other objections to the tax, he stated that, after three years' experience, it did not appear to be a growing tax; on the contrary, it was evident from the papers presented to the house, that the produce of the tax in Westminster alone, for the last year, fell four thousand pounds short of the produce of the tax in Westminster for the preceding year.

Mr. Pitt, after moving an omission of that part of the preamble of the bill of repeal, by which the tax was pronounced "a partial and oppressive imposition, militating against the just principles of taxation," gave his consent to Mr. Fox's motion, which accordingly was carried, and, to the great satisfaction of the trading part of his constituents, passed into a law.

The last discussion of importance, during the remainder of the session, which drew forth the powers of Mr. Fox's mind, was the debate on the 8th of May, on Mr. Beaufoy's motion for the repeal of the corporation and test acts. The motion was supported by Mr. Fox in a most eloquent and animated speech. It was laid down by this great advocate of toleration,

tion, as a primary maxim of policy, "that no human government had jurisdiction over opinions as such, and more particularly over religious opinions. It had no right to presume that it knew them, and much less to act upon that presumption.' When opinions were productive of acts injurious to society, the law knew how and where to apply the remedy. If the reverse of this doctrine were adopted, if the actions of men were to be prejudged from their opinions, it would sow the seeds of everlasting jealousy and distrust; it would give the most unlimited scope to the malignant passions; it would incite each man to condemn the opinions of his neighbour, to deduce mischievous consequences from them, and then to prove that he ought to incur disabilities, to be fettered with restrictions, to be harassed with penalties.

"From this intolerant principle had flowed every species of party zeal, every system of political persecution, every extravagance of religious hate. It was an irreverent and impious opinion to maintain, that the church must depend for support as an engine or ally of the state, and not on the evidence of its doctrines, and the excellency of their moral effects. Moderation and indulgence to other sects were equally conducive to the happiness of mankind, and to the safety of the church.

"Since the æra of the revolution the church had flourished, because her imaginary fears had been dissipated. She had improved in knowledge and candour, because, instead of being enabled to impose silence on the dissenters by the strong hand of power, she had been obliged to hear their arguments; and the community at large had found the happy effects, which a collision of opinions in open and liberal discussion, among men living under the same government, never fails to produce. There were many

many men not of the establishment, to whose services their country had a claim. Surely a citizen of this description might be permitted without danger or absurdity to say, 'Though I dissent from the church, I am a friend to the constitution; and on religious subjects I am entitled to think and act as I please.' Ought the country to be deprived of the benefit she might derive from the talents of such men, and his majesty be prevented from dispensing the favours of the crown except to one description of his subjects?

Mr. Fox declared himself a friend to an establishment of religion in every country, framed agreeably to the sentiments of the majority of its inhabitants. But to invest that establishment with a monopoly of civil and religious privileges, was palpably unjust, and remote from the purpose of the establishment, which was no otherwise connected with the state, than as it tended to promote morality and good order among the people. The test and corporation acts had subsisted, it was contended, for more than a century. True; but how had they subsisted? By repeated suspensions. For the indemnity bills were, literally speaking, annual acts. Where then would be the impropriety of suspending them for ever by an act of perpetual operation?—Let not Great Britain be the last to avail herself of the general improvement of the human understanding. Indulgence to other sects, a candid respect for their opinions, and a desire to promote charity and good will, were the best proofs that any religion could give of its divine origin. To the church of England in particular he would say,

"Tuque prior, tu parcegenus qui ducis Olympo."

WE now approach an awful and memorable epocha in the history of our own times—the French revolution.—The capture of the Bastile on the 14th of July 1789; the defection of the royal army; and the recognition, by the king, of the powers of the national assembly, turned the eyes of all Europe on the internal affairs of France. The liberal minded in every country rejoiced at the overthrow of a despotism, which for so many centuries had held a population of almost thirty millions in chains; it was hailed as the commencement of a new era, that promised liberty and happiness to the human race; and the popular disorders and excesses which disgraced it, were palliated as the unavoidable consequences of an anxious struggle between new-born freedom and ancient tyranny. In no country was the commencement of the French revolution regarded with more general satisfaction than in England. The love of liberty is so congenial to the hearts of Englishmen, that it was impossible they should not rejoice when there was a prospect of its blessings being imparted even to a rival nation. The American war had tended greatly to exalt the French character. They were then seen combating by the side of an oppressed and injured people; it was no war of ambition, at least of that palpable and obvious species of ambition, which distinguished the reign of Louis XIV. but the generous interference of a powerful state to preserve an infant commonwealth from destruction; and according, the interposition of France, on that occasion, left no feelings of resentment on the minds of those who were friendly to the cause of American independence.

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The French nation appeared to have caught the flame of liberty on the savannahs of America, and those who approved of the vigorous resistance displayed by the colonies to the despotism of the mother country, could not with consistency condemn the efforts of an enlightened people to shake off from their own shoulders the yoke of a still more arbitrary and intolerable system of government at home.

The question of the French revolution was first introduced in the house of commons, on the debate on the army estimate, on the 5th of February 1790. Mr. Fox, who thought the proposed military establishment too large, and that ministers ought to consult economy by reductions in some departments of the public expenditure, said, that if ever there was a period in which he should be less jealous of an increase of the army, from any danger to be apprehended to the constitution, the present was precisely the period. The example of a neighbouring nation had proved, that former imputation on armies were unfounded calumnies; and now it was universally known, throughout all Europe, *that a man, by becoming a soldier, did not cease to be a citizen.* It was not therefore in a constitutional point of view that he dreaded an increase of the army, but on the ground of economy.—That our country had escaped the tumults and distractions in which other countries were involved, might be imputed to our having passed the ordeal, and our being long in the possession of what other countries were now so laudably contending for.

These observations passed unnoticed at the time; but, on the 9th of February, the debate was resumed, and Mr. Burke contended that the crisis imperiously called for an augmentation of our military force. He did not, in the early part of the debate, allude to Mr. Fox's arguments on

the former evening, but represented the condition of France, in general, as calculated to fill the British nation with alarm, and therefore earnestly supported the proposed establishment.—Mr. Fox, in reply, said, that the state of France was such as ought neither to fill us with alarm, nor to excite our indignation. Surrounded and oppressed by internal divisions and calamities, she could not so suddenly rise from their pressure, as to preclude us from a preparation against an impending storm. Had France remained in that formidable and triumphant state by which she was distinguished in the year 1783, he would be one of the first in the house to applaud an augmentation of our peace establishment. In all our contests with that ancient enemy, our intemperance had seduced us into very disagreeable situations; and we had frequently been obliged to accept of terms, after a long continuation of hostilities, less favourable than might have been obtained years before. If fortune had now humbled the pride and ambition of this mighty empire—if that anarchy and confusion incident to such a revolution had struck her people with inertness and inactivity—why should we dread her sudden declaration of hostilities? But even if she were to emerge from her misfortunes as suddenly as she was involved in them, he would recommend the argument of the secretary of state (Mr. Grenville) as a consolation—"The flourishing state of the finances."

It was a wise and happy preamble, Mr. Fox said, established by our ancestors in the mutiny bill, that it should assign as a reason for a standing army, the preservation of the political balance of Europe. He lamented, that it was the nature of kings, ministers, generals, and those of a similar description, to oppose the reduction of the army. If a minister, the professed friend of mankind, should, however, stand forward in favour of such a measure, "he must arm himself with points; he must

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arm himself with resolutions; he must be emboldened to proceed in his reforms."—On the whole, he regretted that the ministry seized at every pretence for an augmentation of the army, without weighing any for a reduction. It was playing with the feelings of the people, to come forward every year, and justify augmentations in the military forces. He hoped, therefore, that the house would call for an ample explanation of the system so warmly recommended.

Mr. Burke rose to reply to Mr. Fox. He was of opinion that our present dangers from France arose from her example; and he thought the very worst part of the example set was, in the late assumption of citizenship by the army, and the whole of the arrangement, or rather disarrangement of their military.

"He was very sorry that his right honourable friend (Mr. Fox) had dropped even a word expressive of exultation on that circumstance; or that he seemed of opinion that the objection from standing armies was at all lessened by it. He attributed this opinion of Mr. Fox entirely to his known zeal for the best of all causes, *liberty*. That it was with a pain inexpressible he was obliged to have even a shadow of a difference with his friend, whose authority would always be great with him, and with all thinking people—*Quæ maxima semper consetur nobis, et* ERIT *quæ maxima semper*. His confidence in Mr. Fox was such, and so ample, as to be almost implicit. He was not ashamed to avow that degree of docility. That when the choice is well made, it strengthens instead of oppressing our intellect. That he who calls in the aid of an equal understanding, doubles his own. He who profits of a superior understanding, raises his powers to a level with the height of the superior understanding he unites with.

with. He had found the benefit of such a junction, and would not lightly depart from it. He wished, almost on all occasions, that his sentiments were understood to be conveyed in Mr. Fox's words; and that he wished, as amongst the greatest benefits he could wish the country, an eminent share of power to that right honourable gentleman; because he knew that, to his great and masterly understanding, he had joined the greatest possible degree of that natural moderation, which is the best corrective of power; that he was of the most artless, candid, and benevolent disposition; disinterested in the extreme; of a temper mild and placable, even to a fault; without one drop of gall in his whole constitution. *"

Mr. Burke continued, "That the house must perceive, from his coming forward to mark an expression or two of his best friend, how anxious he was to keep the distemper of France from the least countenance in England, where he was sure some wicked persons had shewn a strong disposition to recommend an imitation of the French spirit of reform. He was so strongly opposed to any the least tendency towards the *means* of introducing a democracy like theirs, as well as to the *end* itself, that much as it would afflict him, if such a thing could be attempted, and that any friend of his could concur in such measures, (he was far, very far, from believing they could;) he would abandon his best friends, and join with his worst enemies to oppose either the means or the end; and to resist all violent exertions of the spirit of innovation, so distant from all principles of true and safe reformation; a spirit well calculated to overturn states, but perfectly unfit to amend them."

* "Substance of a Speech on the Army Estimates, 1790." Works of the Right Honourable Edmund Burke, vol. III. p. 8.

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He was no enemy to reformation, Mr. Burke said. Almost every business in which he was much concerned, from the first day he sat in that house to that hour, was a business of reformation; and when he had not been employed in correcting, he had been employed in resisting abuses. Some traces of this spirit in him now stand on their statute book.—He thought the French nation very unwise. What they valued themselves on, was a disgrace to them.—Instead of redressing grievances, and improving the fabric of their state, to which they were called by their monarch, and sent by their country, they were made to take a very different course. They first destroyed all the balances and counterpoises which serve to fix the state, and give it a steady direction; and which furnish sure correctives to any violent spirit which may prevail in any of the orders. These they rashly destroyed, and then they melted down the whole into one incongruous, ill-connected mass. When they had done this, they instantly, with the most atrocious perfidy and breach of faith among men, laid the axe to the root of all property, and consequently of all national prosperity, by the principles they established, and the example they set, in confiscating all the possessions of the church. They made and recorded a sort of *institute* and *digest* of anarchy, called the *rights of men;* and they systematically destroyed every hold of authority by opinion, religious or civil, on the minds of the people. By this mad declaration of rights they subverted the state; and brought such calamities as no country, without a long war, had ever been known to suffer.

Mr. Burke declared, he felt as much as any man, how difficult it was to accommodate a standing army to a free constitution. An armed, disciplined body was, in its essence, dangerous to liberty; undisciplined, it was ruinous to society. Its component parts were, in the latter case, neither

neither good citizens nor good soldiers. The French had put their army under such a variety of principles of duty, that it was more likely to breed litigants, petty foggers, and mutineers, than soldiers*. He felt some concern that this strange thing called a revolution in France, should be compared with the glorious event, commonly called the revolution in England. With us we got rid of the man, and preserved the constituent parts of the state. In France they get rid of the constituent parts of the state, and keep the man. What we did was in truth and substance, and in a constitutional light, a revolution not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable fundamental parts of our constitution we made no revolution; no, nor any alteration at all. We did not impair the monarchy. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, revenue, and in the magistracy; and the same lords, the same commons, the same corporations, the same electors Accordingly the state flourished. Instead of lying as dead, in a sort of trance, or exposed as some others, in an epileptic fit, to the pity or derision of the world, for her wild, ridiculous, convulsive movements, Great Britain rose above the standard, even of her former self. An era of a more improved domestic prosperity then commenced, and still continues, not only unimpaired, but growing under the wasting hand of time.

When Mr. Burke had concluded his speech, Mr. Fox, with evident agitation, declared, that he rose with a concern of mind, which it was

* The French soldiers, at this time, were sworn to obey the king, the nation, and the law.

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almost impossible to describe, at perceiving himself driven to the hard necessity of making at least a short answer to the latter part of a speech, to which he had listened with the greatest attention, and which, some observations and arguments excepted, he admired as one of the wisest and most brilliant flights of oratory ever delivered in the house of commons.

He could declare, that such was his sense of the judgment of his right honourable friend, such his knowledge of his principles, and such the value he set upon them, and the estimation in which he held his friendship, that if he were to put all the political information which he had learnt from books, all which he had gained from science, and all which any knowledge of the world and its affairs had taught him, into one great scale, and the improvement which he had derived from his right honourable friend's instruction and conversation, were placed in the other, he should be at a loss to decide to which to give the preference. He had learnt more from Mr. Burke, than from all the men with whom he had ever conversed. His right honourable friend had grounded all that he had said, on that part of a speech made by him on a former day, in which he had stated "that if ever he could look at a standing army with less constitutional jealousy than before, it was now, since, during the late transactions in France, the army had manifested, that *on becoming soldiers, they did not cease to continue citizens*, and would not act as the mere instruments of a despot." This opinion he still maintained; but did such a declaration warrant the idea that he affected a democracy? He declared himself equally the enemy of all absolute forms of government; whether an absolute monarchy, an absolute aristocracy, or an absolute democracy. He was averse from all extremes, and a friend only to a mixed government like our own, in which, if the aristocracy, or indeed either of the three branches of the constitution,

were destroyed, the good effect of the whole, and the happiness derived under it, would, in his mind, be at an end. When he described himself as exulting over the success of some of the late attempts in France, he certainly meant to pay a just tribute of applause to those, who, feelingly alive to a sense of the oppressions under which their countrymen had groaned, disobeyed the despotic commands of their leaders, and gallantly espoused the cause of their fellow citizens, in a struggle for the acquisition of that liberty, the felicities of which we all enjoyed. True liberty could only exist amidst the union and co-operation of the different powers which compose the legislative and executive government. Never should he lend himself to support any cabal or scheme, formed in order to introduce any dangerous innovation into our excellent constitution; he would not, however, run the length of declaring, that he was an enemy to every species of innovation. That constitution, which we all revered, owed its perfection to innovation; for, however admirable the theory, experience was the true test of its order and beauty.

No man, he said, could have heard without lamenting, the scenes of bloodshed and cruelty which had been acted in France; but still when the severe tyranny under which the people had so long groaned, was considered, the excesses which they had committed, in their endeavours to shake off the yoke of despotism, might, he thought, be spoken of with some degree of compassion.

What had given him the greatest uneasiness, in hearing the latter part of his right honourable friend's speech, was, lest from its being known that he had long considered it as the boast and happiness of his life to have lived on terms of the most perfect confidence and intimacy with his right honourable

honourable friend, an impression might be left on the minds of that house, or on the minds of the public, that there existed some grounds for suspicion, that he could so far forget himself, upon the score either of principle or duty, as at any moment to countenance, or rather not vehemently to reprobate all doctrines and all measures inimical to the constitution. Again, therefore, he would repeat, under the most solemn assurances to his right honourable friend, that he would never lend himself to any cabal, nor, on any occasion, act in a manner incompatible with the principles which he had so repeatedly professed, and which he held in common with his right honourable friend.

He differed, however, from Mr. Burke, in his opinion of the revolution in 1688. From that period we had, undoubtedly, to date the definition and confirmation of our liberties; and the case was certainly more parallel to the revolution in France than his right honourable friend seemed willing to allow. The reason why France had been so long in settling her constitution, and why we had so soon adjusted ours in 1688, was owing to there being so much despotism to destroy in France; and so little which called for destruction when the revolution in our government took place; a fact which of itself was sufficient to convince his right honourable friend, that there was no ground whatever for the apprehensions which he had that day stated. He imputed this warmth, and the extent to which Mr. Burke had pushed this argument, to a laudable, but extreme, anxiety, lest any man should be rash enough to hazard an attempt to render what had passed in France an object of imitation in this country. In conclusion, Mr. Fox observed, that he was ready to embrace any future opportunity of entering more amply into a discussion respecting the affairs of France, as far as they might ultimately operate either in favour of, or against this country, should

the house consider it necessary to fix upon such a topic for their investigation.

On the 2nd of March, Mr. Fox brought forward a motion for the repeal of the corporation and test acts. He had been solicited to do so by the great body of the dissenters in general, and this mark of their confidence was the more flattering to him, as hitherto they had been for the most part inimical to his system of politics, and with a narrowness of mind, too frequent in secretaries, appeared to entertain suspicions of his personal character*. Mr. Fox alluding to these circumstances, said, that it was impossible for him not to feel a satisfaction, intermingled with a conscious triumph, at the discovering that those very persons from whom, *hitherto*, he had received no obligations, and who had declared themselves hostile to his politics, now deemed it proper to make *him* their advocate, and to require that, with the force of freedom and reason on his side, he should appear in their defence. Might he not, from these circumstances, presume to hope that they had, at length, regarded his conduct with approba-

* Dr. Price, in his celebrated Revolution Sermon preached on the 5th of November preceding, made use of the following expressions, which could scarcely fail, by some of his hearers, to be applied to the character of the illustrious subject of these pages. "Oh! that I could see in men who oppose tyranny in the state," said the preacher, "a disdain of the tyranny of low passions in themselves; or, at least, such a sense of shame, and regard to public order and decency as would induce them to *hide* their irregularities, and to avoid insulting the virtuous part of the community by an open exhibition of vice! I cannot reconcile myself to the idea of an immortal patriot, or to that separation of private from public virtue, which some think to be possible. Is it to be expected that——but I must forbear. I am afraid of applications, which many are too ready to make, and for which I should be sorry to give any just occasion."

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tion; that they looked up to him as a disinterested friend; and were induced to turn to him under the impression of the most favourable sentiments? They would not, he was persuaded, illiberally conceive, that on the present occasion, he had enlisted himself into their service, less from a zealous attachment to the broad principles of liberty and justice, than from a sordid anxiety to conciliate their esteem and to acquire their support. In attending to the requisition of the dissenters, he meant to convince the public, that he had not relaxed from his determination, at every crisis, to espouse a cause the invaluable interests of which he had, upon all occasions within his reach, most warmly and sincerely endeavoured to defend.

Proceeding to the subject immediately under the consideration of the house, Mr. Fox said, the ingenuity of the human mind would be extremely puzzled in the attempt to fix upon two points more ignorantly misunderstood, or more wilfully misrepresented, that the *actual* meaning, and the *avowed* principles of *toleration*. The origin of religious toleration was of a recent date, indeed; and although it may have been theoretically adverted to, at an earlier period, not many years were, as yet, elapsed subsequently to its having been carried into practice. As erroneous was the general manner of defining the word *persecution*. It behoved the house not to suffer their understandings to be seduced away by vague expressions or by imaginary descriptions. If they adverted to the first ages of mankind when all was sunk in ignorance, barbarism, and corruption, instead of indiscriminately fixing upon fanciful conclusions, they would ascend to first principles; and thence discover that persecution, and not toleration, was the grand excitement to the public commission of the most atrocious crimes. To this source might be traced the massacre, on the feast of Saint Bartholomew, at Paris; and the burning of the pretended heretics,

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in Smithfield. The great and horrible fundamentals of persecution were, that the tenets of religion and the modes of worship, which differed from our own, could not be otherwise than wicked; and, therefore, merited extirpation. Infected by these sentiments, the Roman catholics of a former era were violently intent on persecution; and arguments detestably abhorrent were maintained as apologies for the destruction of forty thousand innocent victims to the sanguinary doctrines of bigoted enthusiasts.

Were he to give the opposers of the repeal their first principle, and they should argue that if, originally, the flourishing state of the church owed its continuance to persecution, a necessity might, still, exist for enforcing it, he would answer that, upon false grounds, madness itself can act with consistency; but that a wise and polished nation should disdain to proceed fundamentally wrong, because either caprice or chance may have furnished them with the bare shadow of an argument in their behalf. —A most absurd, and, as a natural consequence of great absurdity, an inextinguishable doctrine of persecution, was, that one may entertain a less fallible opinion of the mind of another than he can form himself. Yet, surely this idea could never taint the prolific humility and the exemplary virtues of modern christians. Religion was even more than the peculiar medicine of our own minds: it was intended to be used by us in the administration of relief to our fellow creatures: but the system of intolerance perverted all the salutary ends of *true* religion, and, instead of guiding men to freedom and the felicities of life, conducted them to imprisonment, to torture, and to death. Of religion, (pure and *tolerating* religion!) the bright and striking contrast to the disgusting and false appearance of it, one of the synonymous terms was *charity*.

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The opposers of the appeal were, certainly, reduced to this alternative: either they must contend for persecution, or reason in support of toleration. Why, therefore, did they scruple to declare a principle which, whether of an odious or a conciliating cast, must inevitably apply to the nature of the present question? If they came forward as the unfeeling advocates for persecution, they met their own indelible disgrace; but, if their arguments were hostile to its existence, it followed, of necessity, that they must have spoken in favour of toleration: and such reasoning was consonant to the noblest principles of uncorrupted nature, of genuine religion, and of highly cultivated philosophy!—He was ready to admit that persecution originated in a mistaken kindness, and that the infatuated zealots by whom it was enforced, conceived that, without an absolute belief in certain articles, neither the temporal nor the eternal interests of their fellow creatures could possibly be secured. With this idea, they regarded even the most severely exerted act of compelling others to embrace doctrines which they detested, as a spiritual obligation. Granting that the motive presented itself in a laudable point of view to those ill-judging bigots, who were actuated by its nature, he should not consider himself as led away, in consequence of this position, from his invincible opinion, that every species of persecution, whether civil or religious, was detestable.

Deeply impressed with this sentiment, Mr. Fox said, he could not fear to proceed farther, and assert, that none of the fires which were kindled in Smithfield, nor even one of the executions and depredations which, in the hour of frantic vengeance, were committed in France, presented to us more strong or more alarming instances of persecution than the principle maintained, with active obstinacy, by some churchmen, that it was just and becoming

becoming to make particular bodies liable to penalties, and to keep them constantly subject to incapacities, for their religious opinions. It was this kind of persecution, accompanied by an abominable multitude of different oppressions, which had driven France to a spirited and successful resistance; to an entire re-investigation, and to an ample and most decisive assertion of the rights of human nature. Her proceedings, as much as they effected that part of her constitution in which religion was immediately concerned, possessed indubitable claims to the applause and esteem of all her subjects, and of surrounding states; they constituted a full and enlightened inquiry respecting first principles; and they led rapidly, but not erroneously, to the extirpation of that spirit of intolerance and persecution which had, for so many centuries, disgraced her government.

To the recency of the origin of religious toleration, he had just alluded, and it might not be improper to add, that, although it came forward in our own country, during the reign of king William, yet its existence and its effect were so concealed and partial, that those only who subscribed to thirty-four out of the thirty-nine articles, felt the contracted blessings of its influence. The toleration act, on which the highest encomiums had been profusely lavished, was, at the best, a sufferance more agreeable to those individuals who granted it, than to the persons by whom it was received.—All this fell infinitely short of toleration, in the unsullied sense of the expression. The corner stone of toleration rested upon philosophy and reason; and upon a just diffidence and doubt of the exclusive rectitude of our own opinions. Were the sincere friend of toleration actually to perceive evil consequences attached to the religious sentiments of another, still he would, liberally, regard it as sufficient to avoid the adoption of such sentiments, without imputing the baneful effects to those

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by whom they were entertained; and who, perhaps, might not foresee, or even think of their pernicious tendency. Toleration did dot inflame men with arrogance and pride; but far from inculcating a jealous and unwarrantable distrust of others, encouraged its professors to attend to the charitable rule that, where they could not discern vice, it became them to give credit for the existence of virtue. Toleration judged mankind more by their actions than by their doctrines. Adhering to the sage and candid maxim in the scripture, the advocates for toleration formed their ideas of the *tree*, in consequence of an attention to the nature of the *fruit*; persuaded that all other methods of decision were liable to continual error. It seemed natural to expect such men would prove, generally, in the right; because they were ready to confess their doubts, and even to acknowledge ignorance; nor could it be denied that this kind of language was more conciliating and more just; as reasoning *à posteriori*, from *effects* to their *causes*. Even the most discerning men are apt to be misled, when, arguing *à priori*, they judge from causes to effects.

An example, continued Mr. Fox, might illustrate the truth of these positions. Some of the greatest and wisest men in this country have considered the opinions of the Roman catholics as *apparently* militating against all religion and all morality whatsoever; and yet, whilst they lamented over the errors of this profession, they were perfectly aware that in an age of superior refinement, liberality, and understanding, the papists were not accustomed to commit, *for conscience sake*, murder, treason, and all those crimes and enormities which cast a stain of infamy on their persuasion, at a former epoch. No friend to toleration would, at the present day, refuse to trust a Roman catholic for the sincerity of his *good* professions; and much less would he attribute to him, in consequence of

the opinions which he might entertain of the purport of his doctrines, an ungrateful and abandoned wish to overthrow the government in which he lived, or the laws to which he stood indebted for protection. From our knowledge of the actual state of those nations where this religion was predominant, it would be cruelly disingenuous to infer that they were deficient in the practice of the duties of morality; or, even for a moment to imagine, that in whatsoever point of view we might have examined their opinions, it was, now, possible for them to entertain an idea that they could lead to the revival of atrocities like those which once were perpetrated. Sufficient was the prospect of civil society throughout the world, to convince all *reasonable* beings, that speculative doctrines, in religion, preserved only an inconsiderable influence over moral conduct, without which even religion itself could not subsist, to any great and serviceable purpose.

The same principle upon which the enemies of the Roman catholic religion decried its tenets, as holding it lawful to break all oaths with heretics, and to assassinate protestant princes, actuated the papists when they charged the reformed church with the subversion of revealed religion, which tended to the destruction of natural religion; but, it was the merit, the glory, and the happiness of some of the best and wisest characters of the seventeenth century to examine into this principle; and having perceived that it was founded upon self conceit, and an overweening prepossession in favour of private judgment, to seek for the establishment of universal toleration.

Were we to act towards the dissenters, from a theoretic and not a practical knowledge of their opinions, we should violate one of the great

duties of christianity, and judge them not agreeably to their deserts, but according to our own wishes. As for himself, Mr. Fox said, he must confess that he cordially subscribed to the liberal opinion of a celebrated commentator on the laws of England, (Sir William Blackstone,) that the most unexceptionable test to which a man could lay claim was, the circumstance of his having proved a credit to his country, as a friend to the constitution, and as a serviceable member of the community. He should, however, give a wider scope to the opinion of the learned judge, and declare, that, in his apprehension, all political and religious tests were absurd; and the only test to be relied upon was the test of human actions.

Mr. Fox desired, however, that whilst he uttered these sentiments, the house would do him the justice to believe, that he had no intention of contending against the indispensible necessity of a test of allegiance. He rather meant to throw a pointed ridicule over the imaginary circumstance of obliging a person to deliver in, upon oath, that statement of his political principles, which the law, certainly, did not yet require, although the corporation and test acts continued to enjoy its sanction. From the annals of this country, it appeared that, at one moment, certain principles were in fashion, which, at length, decaying, became replaced by others of a different complexion: yet amongst these fanciful revolutions, no test was known to have started up for civil opinions, in any case whatever. Was not a test at least as requisite upon such occasions as in matters of religion? Or rather, what had religious tests to do with civil affairs? To those who should discover an inclination to argue, that if all sects were indiscriminately admitted into civil employments, without having previously confirmed to the test laws, some indefensible *religious* opinions

might, circuitously, affect the interest of the church of England, it would prove sufficient to answer, that equal danger seemed to threaten the constitution from *civil* opinions. No political test was *directly* required from a member of parliament. *Indirectly*, perhaps, it was demanded when he was called upon to declare his dissent from the doctrine of transubstantiation. But, who could seriously infer that the speculative opinions of a member of parliament were of any signification to his constituents? Would they suppose themselves at all likely to acquire or to lose any political advantages, if, in the first instance, their representative believed, or, in the second, denied, the *real presence?* But, it was contended, that were a member of parliament to admit within his code of faith a tenet of so extraordinary a nature, his political principles must, undoubtedly, prove hostile to his country. This was what he had already reprobated: a fallacious inference of morals from opinions. An individual, not friendly to the constitution, might, in defiance of the test act, fill a responsible situation in the state; the law not considering the opinions of any person as detrimental to this constitution, until they appeared perniciously in action; and then the law proved fully competent to the punishment of the offender. But, in fact, so trifling were the apprehensions which were in general entertained of the baneful effects of political opinions, that a man was not incapacitated from presiding at the head of public affairs, although his sentiments might be inimical to the constitution, and favourable to the views of arbitrary government; although he might consider the abolition of the trial by jury as no violation of the liberty of an Englishman; and the invasion of the freedom of parliament, as no infringement of the rights and privileges of constituents and their representatives.—Mr. Fox reminded the house, that the test act, enforced soon after the civil wars, was intended for the exclusion of all antimonarchical men from the enjoyment

joyment of public offices; but, as the act operated under false pretences, he felt it difficult to mention it, except in terms of strong disapprobation. He should have preferred a monarchical test at once; because the nugatory and ridiculous imposition of that in question went solely to the introduction of vague conjectures respecting the opinions of others; and was likely, not only to receive into employments of great trust persons adverse to the most sound and unimpeachable sentiments, in relation to points materially interwoven with all the valuable interests of the constitution, but to exclude those who were among its zealous, useful, and incorruptible adherents.—It followed, therefore, that to exclude any description of men from the participation of the common rights which their fellow citizens enjoyed, was violently oppressive. Of what consequence was it to the state whether a man was an unitarian or a trinitarian; an advocate for infant baptism or for adult baptism? To abandon general principles upon the ground of partiality was a procedure which could not be defended; and, with this idea, he should venture, without a dread of reasonable contradiction, to affirm that even the majority had no right to bind the minority.

Mr. Fox then proceeded to vindicate the general good character and loyalty of the dissenters; and contended that their conduct had not only been unexceptionable, but highly meritorious. During the rebellions of 1715 and 1745, they had chearfully exposed their persons, lives, and property, in defence of their king and country; and by their noble exertions our enemies were defeated, our constitution preserved, and the Brunswick family preserved in possession of the throne. They were then, as now, incapacitated from holding commissions, civil or military, in the service of their country. Did they plead their incapacity, and the penalties to which

which they were subject? No! they freely drew their swords; they nobly transgressed the laws which proscribed them; and successfully fought the battles of the constitution. For this their only reward was an act of indemnity—a pardon for doing their duty as good citizens, in rescuing their country in the hour of danger and distress?—But he hoped, at an era, when, as the natural result of its successful progress, the human understanding was more and more accompanied by liberality and refinement, it could not be deemed extraordinary if he insisted upon his principle that, even if the demerits of the dissenters were numerous and glaring, they had a claim to toleration. Under the circumstance that we could not, with propriety, be said to *tolerate*, what we did not *fully approve*, it followed that the word toleration meant an admission of what might *well* be suffered, although, in the eye of tolerating power, it did not appear *perfectly* right and justifiable. It was from this virtuous and highly cultivated improvement in the reasoning faculties of the human mind to which he alluded, that he conceived the pleasing hope of drawing an advantage for the cause of the dissenters; as he argued in favour of toleration, which numbers were most sincerely desirous of, and all pretended disposed to grant; and as he pleaded against persecution, which every individual was prepared to disavow and to condemn.

The repeal of these impolitic and ungenerous restraining acts, said Mr. Fox, with a prophetic foresight of what was to come, would stand marked by a peculiar propriety, in consequence of the complexion of the times, and the situation of the country. From the *pope* and from the *pretender* we could not entertain the slightest apprehensions; but, as the possibility of our being engaged in foreign wars was still existing, it certainly behoved the government to relinquish the idea of imposing disabilities

lities on such a multitude of serviceable members of the state and of society, and on so considerable a number of intrepid and experienced naval and military characters, who had been born and educated in the religion of the kirk of Scotland, to which they yet adhered. The length to which those disabilities proceeded was more unlimited than many, perhaps, would imagine. It was not merely the individuals who entered upon the highest employments of the state that were indispensibly bound to conform to the ceremonies of the church of England. The same obligation extended itself to all the subordinate officers of the army and navy; and every collector of the customs was liable to a penalty of five hundred pounds, with disabilities beyond measure, if he did not confirm by taking the sacramental test.—The idea of making a *religious* rite the qualification for holding a *civil* employment was more than absurd, and deserved to be considered as the profanation of a sacred institution. This idea, not originating, indeed, with him, Mr. Fox acknowledged, but with the *lower* house of convocation, (a house, at the period to which he alluded, more of the high church than the *upper* house itself,) he firmly entertained. The clergy in the *lower* house of convocation adverted, during the year 1704, in the language of complaint, to a case of conscience in administering the sacrament to persons of an infamous character. It was true that they were not bound to do this by the rubric, but had it at their option to decide upon such characters, independently of a jury, or any other legal determination, to fix that infamy. Yet when do such cases occur? Never; because the clergy of the church of England well know that they would ground a just plea for the repeal of the test act.

The application, now made for the repeal of the test act, had been erroneously considered as ill timed, upon the false principle, first, that the affairs

affairs of France rendered it necessary not to make any alteration in the constitution of this country; and, next, that if the revolution abroad had not taken place, the dissenters would have been less impetuously bent upon their determination again to state the nature of their imaginary grievance to parliament. That was not the fact. A motion, similar to his, had often before been submitted to the house, when no person could have predicted the singular events that had occurred on the continent. Granting, however, that any circumstances had arisen, which might give greater strength to the propriety of the petitions of the dissenters, it naturally followed that such events ought to be considered, in some degree, as operating against the rejection of a claim, which, independent of extraneous occurrences, was founded upon justice and civil right. He felt himself warranted in not quitting this part of his subject, until he had declared that, in one respect, the example of France ought to excite our deepest and most serious attention. Her church was now suffering in consequence of a too long resistless and intolerant spirit of persecution: her church presented to the world a dreadfully alarming proof (yet he trusted a salutary lesson) of the veracity of the idea, that persecution may prevail even for a considerable length of time, but that it ultimately produces the ruin of the persecutors. Yet, whatever satisfaction he might have experienced at the emancipation of so many millions of his fellow creatures from the galling yoke of arbitrary power, and however he might in general approve of that determined spirit, which, scarcely interrupted in the rapidity of its course, brought on so unexpected and extraordinary a revolution, he must confess, he said, that there were some particular acts of the new government in applauding which he could not possibly concur. Such was the infliction upon the church of the undistinguished forfeiture of her property: an act which might, nevertheless, be considered as the slow, but

but certain consequence of the impolitic revocation of the edict of Nantz. Previously to this intemperately lawless measure, the civil and ecclesiastical branches of the French constitution remained inviolate, without the guardianship of test acts! and protestants were indiscriminately admitted with catholics, to the enjoyment of posts within the different departments of the state. When that edict became revoked, liberality and toleration were thrown away with one hand, whilst, with the other, arts and manufactures were cast out; to flourish, however, upon a more genial soil, and under a milder form of government.

Mr. Fox, adverting to the alarm attempted to be excited by the high church party, that the church was in danger, treated it as in the highest degree chimerical and absurd. The uniform leading maxim of the high church party, he said, had been to pretend *fear*, whenever they meditated *persecution*. To this practice had the implacable and unprincipled tyrants of all ages invariably adhered. Tiberius, if his assertions deserved a grain of credit, passed every hour of his life in a state of terror; and our Henry the Eighth perpetually raised the alarm of an attack upon the royal prerogative, in the moment that he was concerting projects for the extension of fresh acts of tyranny against his miserable subjects. To such ridiculous excesses had the high church party been known to carry their *pretence* of danger having approached their very gates, that to support the fallacy by appearance, they have *raised tumults* for the purpose of inculcating *passive obedience*. The church never interfered in politics but for the sake of mischief. Unfortunate was it for the country when any religious sects rose in opposition to each other; but infinitely more alarming and disastrous was it when, in the midst of these struggles, the church became a militating party.

Mr. Fox then proceeded to shew, that no danger had occurred to the church establishment of Ireland, though eleven years had elapsed since the repeal of the test act in that country; and in America, where the dissenters were most predominant, their conduct had been sullied by no acts of bigotry and intolerance.—He trusted that no observation had fallen from him, which did not discover that he was a decided friend to an established religion. It was only upon the opinions of the majority of the people that this establishment could be justly founded. It did not behove the parliament to enquire which religion was the most rational and uncorrupted. Their business was to extend their peculiar protection to that which, more than any of the others, approached to *universality*, and to secure for it some of the chief emoluments of the state. The government, at the era of the union, were thoroughly convinced that this principle was at once political and liberal; and, therefore, consonantly to so enlightened an idea, they established two religions, each equal as to the reputation of its doctrines: the *hierarchy* for England, and the *kirk* for Scotland. At a more recent period, a measure so laudable in its nature had been honourably extended and refined upon, in the case of granting, at least a partial establishment of the Roman catholic religion in Canada.

To either the real or the pretended enemies of innovation, he should oppose the more than generally acknowledged opinion, that not only the established church, but the constitution itself, stands materially indebted for a great portion of its rectitude, its vigour, and its beauty, to rational innovation. The reformation imparted strength and durability to the ecclesiastical constitution; and the civil constitution rose superior to the violence of attacks, and with redoubled force and purity, at the epoch of the

the revolution. These were brilliant and truly serviceable innovations. But what was the *monstrous* innovation which it was so difficult to contemplate without *terror* and *abhorrence?* It was a *daring* effort to accomplish the simple repeal of an act of Charles the Second, which, during an overflow of loyalty, and at the conclusion of a civil war, the parliament had passed as a compliment to their restored monarch. A constitution, erected upon such a foundation, was, certainly, not worth preserving; neither could he admit that any specific form, in the mode of administering the Lord's supper, ought to be considered as the corner stone of the ecclesiastical establishment.

Of the controversial writings of the different sectaries, Mr. Fox frankly acknowledged that he was ignorant: but, he had perpetually understood that tolerating benevolence was one of the most striking characteristics of pure religion. When he discovered churchmen betraying a spirit directly repugnant to that faith which they professed, he could not help considering them as ambitious of maintaining a monopoly of power, at the very moment when they affected to tremble at imaginary danger; and he wished them to remember that *their religion* was neither originally taught to *kings* and *senators,* nor necessarily connected with the *politics* of a government.—The admirers of the test act had contended, as feebly as in their use of other arguments, that the church and state were so inseparably interwoven, that any changes in the one must, immediately, be followed by innovations in the other. A most eccentric, yet certainly a learned, and, in some respects, an able and conclusive writer, (Dr. Warburton,) drew forth the whole powers of his reasoning in defence of this incongruous principle. According to this new fangled and absurd opinion the church was not to rely solely upon her own merits, neither was religion

to be established simply upon the truth of her own evidence: but, both were to receive their props and bolsterings from the assistance of the civil power. Was *this* the principle which introduced the *first* establishment of christianity? Did it, during a state of infancy, when under the necessity not alone of working its way against the narrow and infatuated prejudices of mankind, but of subduing their violence by the innate purity of its spirit, and the winning aspect of its doctrines, receive assistance either from the Roman emperor, or from the Roman senate? Shameful it was that any christian prelate should have inculcated such an idea. What! appeal from the *truth* of the *sacred writings* to the *authority* of the *civil power!* Religion should remain distinct from the political constitution of a state. Intermingled with it, what purpose could it serve, except the baneful purpose of *communicating* and of *receiving* contamination? Under such an alliance, *corruption* must alight upon the one, and *slavery* overwhelm the other. The christian religion was neither dictated by politicians, nor addressed to politicians, nor cherished by politicians. The noblest object to which religion could be directed in a state, and the object for which it was primarily intended, was to influence and correct the morals of the people. Thus far religion must prove eminently beneficial to a state; but the corporation and the test acts might be said to militate against religion, because they were likely to render the professors of it hypocrites.

Alluding to the celebrated sermon preached by Dr. Price, at the meeting-house in the Old Jewry, on the 5th of November preceding. Mr. Fox said, it appeared that considerable offence had been taken at it.—That reverend gentleman had rejoiced over the establishment of a new empire in America. If *this* were heinous, *he* should put in *his* claim for condemnation,

demnation, and plead guilty with so celebrated an offender! *He* had always condemned the object of the American war; and if subjugation and unconditional submission were the objects, every Englishman, who foresaw the effect which such an event must have had upon the constitution of Great Britain, would say, with him, that it was a fortunate circumstance for both countries that they were separated. And where was the crime of such an expression? Who could gravely assert that every part of the constitution, in church and state, had ascended so nearly to the summit of perfection, that no change could, possibly, be introduced for the better? But, the reverend gentleman had carried the intermixture of his *religious* and *political* opinions into remarks concerning the revolution in France; and were these fit parts of what should have been a strictly appropriated, grave, and solemn congregational discourse? In several of his sentiments he perfectly agreed with the reverend gentleman; but, he conceived that he had not chosen the most unexceptionable time and place for their delivery. They would have appeared in a more becoming province, had they formed the arguments of a speech uttered in a house of parliament: and, surely, the church, the pulpit, the altar, and the sacramental table, ought to be preserved inviolably pure and holy, for the sole great purpose of inculcating religion and morality. He should always reprobate, whether it came from the lips of a churchman or of a dissenter, the delivery of that sermon which any preacher might presume to make the vehicle of politics; and with still greater indignation, should he listen to it, were the language of personal libel brought forward as a digression from the chief and more important subject of his arguments. He could not, however, in justice, drop the mention of these points, without observing that many passages in the discourse to which he had alluded, breathed all the spirit of benevolent and truly cultivated philosophy;

phy ; of those feelings which rise superior to the selfishness of local attachments, and induce a citizen of the world to glory in the freedom and the happiness of the human race.

In conclusion, Mr. Fox said, that he flattered himself the house would believe, that the system which he aimed to support, was not merely the system of general toleration, but, that system, the object of which was the security of the universal rights of human nature. Whilst he contended for the latter, he trusted that he fulfilled one part of his duty, as a member of the established church of England : a church which he admired, under a conviction that she steered the happiest course between the two extremes ; rejecting whatsoever was superstitious, but, retaining whatsoever was good in the church of Rome, and decent in the performance of divine service. Thus venerable did she appear to him when he reflected upon her doctrine and her liturgy. But, *this* appearance vanished, or, at least underwent a transient concealment, when, becoming a *political party* in the state, she suffered herself to be borrowed for purposes incompatible with her dignity and the sanctity of her principles. That all her members might fully merit a participation in the just freedom which she enjoyed, he would advise them to yield chearfully to the extension of the principles of toleration to those who were not of their own persuasion : and he would beg leave to assure them, that should any attempt be made to infringe either upon their liberty, or their just privileges and claims, and they did him the honour to choose him for their advocate, he would stand forward, not less willingly the champion of that liberty, those privileges, and those claims, than, at the present juncture, he had addressed the house in favour of the dissenters.

The

The motion was opposed by Mr. Pitt, Mr. Powis, sir William Dolben, and Mr. Burke. In reply to a most virulent speech of the latter against the dissenters, Mr. Fox said, that, in answering what he had heard with *grief* and *shame*, he must relinquish one of the most pleasing enjoyments for one of the most painful of all predicaments. He was reduced to the painful necessity of resisting the arguments of that right honourable friend, (Mr. Burke,) whose political sentiments had, until lately, so perfectly coincided with his own, that he could not have conceived it within the power of events to have rendered them divisible. From *him*, he had acquired the best part of his political knowledge: by him he had been instructed in the formation of his political principles: and it was some little consolation, under this afflicting disunion of opinions, to know that there was not a single fundamental outline which he had laid down, that his right honourable friend had not formally avowed. The only proof which could be deduced from the declaration of his right honourable friend that, ten years ago, he would have voted in favour, was, that *he* had retained his opinion on the subject ten years longer than his right honourable friend.—On a division of the house, Mr. Fox's motion was lost by a majority of 189—the numbers for it being 105—against it 294.

On the 10th of June the parliament was dissolved, and Mr. Fox was again returned for Westminster, but not without a slight contest, lord Hood and Mr. Horne Tooke being candidates with him on the occasion. At the close of the poll the numbers were

For Mr. Fox	3516
Lord Hood	3217
Mr. Horne Tooke	1679

The

The new parliament met on the 25th of November; and the first business of moment that engaged the attention of the house of commons, was the convention with Spain relative to Nootka Sound. The opposition moved for papers that were wanting to throw light upon the negociation, but their production was opposed by the minister, on the grounds of public inexpediency, the danger of disclosing secrets of state policy, and the necessity of reposing a considerable share of confidence in the servants of the crown. Mr. Fox, in reply to this doctrine, said, that the old English parliamentary term *jealousy* was a much better phrase to express the duty of the commons, than the modern substitute *confidence*, which had of late been adopted. In former times, he said, the first great duty of every member of the house of commons was, that he should regard every act of the servants of the crown with jealousy, and watch their conduct with the utmost vigilance and attention. Now, blind confidence was recommended as the grand function of that house, and they were desired to extend the degree of credit which they gave that minister to such an extravagant length, as to vote away millions of their constituents' money, without expecting to know in what manner it had been expended. In fact their duty was not only to judge whether the minister was an honest minister, but they had also a right to expect, a bold, an able, a prudent, and a wise minister. The way to have a bold, an able, a prudent, and a wise minister, was to let him know that he was to be responsible to that house for all his measures, and that his conduct was to be from time to time enquired into. An ingenuous mind, Mr. Fox said, would court enquiry, and be proud to have every public measure brought forward, and scrupulously investigated. The moment, therefore, the house of commons abandoned that part of its duty, from that instant the conduct of administration became dangerous and delusive, because a minister, who

knew his conduct would not be enquired into, might be tempted to pursue bad measures, till at last he involved his country in irretrievable ruin.

About this period a constitutional question, of the greatest importance, came under the consideration of the house of commons. The question was, Whether the impeachment brought against Mr. Hastings by a former house of commons, did not remain in *statu quo*, notwithstanding the intervention of a dissolution of parliament? It was contended by the lawyers in the house, with scarcely an exception, that the impeachment had abated in consequence of the dissolution, and that the commons could proceed no farther with the prosecution. This doctrine was reprobated by Mr. Fox as unconstitutional in the highest degree. Having always been zealous, he said, in supporting the privileges of the commons, he thought it his duty to give something more than a silent vote in support of a question, in the fate of which all their privileges were involved. The question was no less than whether the constitution of the country was a free constitution, under which every act of government was subject to enquiry, and accompanied with responsibility; or, whether power might be exercised without control, and without any national inquest to take cognizance of its abuse.

In settling every contested point of law, Mr. Fox said, he would first look to usage and then to reason. There was a great distinction between the ordinary law in the common courts of justice and the constitutional law. For the former he would look to usage, where that could direct him; but for the latter he would look to reason in preference to usage, and for this reason: in ordinary cases certainty was of more value than soundness of principle, but in constitutional law soundness of principle

was every thing. The law of impeachment was not to be collected from the usage of the courts of justice—for whom was it meant to control? He should be told, men in high stations, who might commit crimes which the common law could not reach: but he should answer, first and principally, the courts of justice themselves. Let the power of impeachment be rendered nugatory, and what security was there for the integrity of the judges, and the pure administration of justice? *Quis custodiat ipsos custodes?* Were it to be governed by absurd or iniquitous rules of practice, what abuse could it correct? He did not wish to imagine extraordinary cases of enormity in judges, although their responsibility by impeachment was the surest pledge for their integrity. But suppose them, as in the reign of Charles the Second, so pliant to the prevailing party of the day, as to hang whigs one day and tories another, under form and colour of law, what remedy was left if that of impeachment did not apply? Were a judge even to attain to that enormous pitch of arbitrary wickedness, as to order a man to punishment who had been acquitted by a jury, there was no mode of proceeding against him but by impeachment. When he considered all this, he could not but lament to see the gentlemen of the profession of the law in that house, acting as it were under an *esprit du corps*, forming themselves into a sort of phalanx to set up the law of the ordinary courts of justice, as paramount to the law of parliament.

With regard to the force of precedents on constitutional points, had the dispensing power claimed by the Stuarts been decided by precedent, it might, perhaps, have been found to be good. But would any man regard a precedent in such a case?—Must he not perceive that a legislature, and a dispensing power in the crown, were things incompatible; and

and that wherever any usage appeared subversive of the constitution, if it lasted for one, or for two hundred years, it was not a precedent, but an usurpation?—They were told, that if a minister advised the crown to dissolve the parliament, to get rid of an impeachment, they might impeach again. By the same rule the minister might advise to dissolve them again; and so they might go on alternately dissolving and impeaching, with no other effect than a mockery of justice. A learned gentleman (sir John Scott) had said, that the king, if he should be of opinion that a person impeached was a fit object of clemency, might, by dissolving the parliament, take the sense of the people at large, whether the impeachment ought to be renewed, and with their acquiescence, produce all the effects of a pardon. If this was the learned gentleman's meaning, the true mode of carrying it into effect was on the principle that an impeachment did not abate by a dissolution. The king, by dissolving the parliament, might suspend an impeachment; and, if the new representatives chosen by the people should be of opinion that it ought not to proceed, there must be an end, and the object of an appeal to the people would be completely obtained. But were it established that an impeachment after every dissolution of parliament must begin *de novo*, the people, however, zealous in the prosecution, could never have the means of bringing it to judgment, without the concurrence of the crown; and to dissolve the parliament would not be to take the sense of the people, but to foil them in the exercise of their most important privilege.

Another learned gentleman (Mr. Hardinge) had said, that the points on which the law of parliament turned were of such nicety, that none but a lawyer could understand them. The supposed nicety proved the falsity of the argument. Were the case so, how could the law of parliament be

ever understood by men of common education and plain understanding, such as composed the great majority of it? Much more, how could it have been established by men of still more ordinary education, who composed the majority of the house of commons, when the theory of the constitution was developed and explained?

The next objection was the want of evidence. They had, it seemed, no knowledge of the proceedings on the impeachment during the late parliament, and there was no evidence on which they could judge whether any thing had been proved by the managers appointed by the late house of commons. It was somewhat strange that professional men should be so profoundly ignorant of what was known to all the world beside. But they could listen only to oral evidence; the minutes of the evidence taken down and printed by the direction of the lords for their own information were to lawyers of no use whatever; and the learned gentleman (sir John Scott) who spoke immediately before him, who unfortunately had not attended the trial, who had not heard the evidence, who had no materials on which to form his judgment, who could not suffer himself to read written minutes of written evidence, such as composed the greater part of the evidence on the trial, and who was so conscientious that he would not, as an accuser, pray for judgment against a man who, for any thing he knew, might be innocent, had asked how he, as a member of the house of commons, could go to the bar of the house of lords, and demand judgment against Mr. Hastings, supposing him to be found guilty. When the learned gentleman came to be attorney-general, he would, without any scruple of conscience, move the court of king's bench for judgment against all persons convicted on informations or indictments by his predecessor in office; and that on much weaker evidence than the minutes of the impeachment, which

which he was resolved to consider as no evidence at all; on no other evidence than a copy of the record: and when he came to be a judge, he would even pronounce judgment on what he must consider as still weaker evidence, namely, the notes of a brother judge. It was well known that nine tenths of misdemeanors were tried at sittings, and the record being returned to the court from which it issued, sentence was there pronounced by judges who had heard no part of the oral evidence, who had seen nothing of the demeanonor of the prisoner or witnesses, and who had no knowledge whatever of the case or its circumstances, but what they had derived from the notes of the judge who tried it. Nor was this all: affidavits, both in extenuation and aggravation, might be, and frequently were, produced and read; and on this sort of evidence, which was thus gravely represented by professional men as no evidence at all; on the written evidence of a miserable note book, rendered still more informal, worthless, and suspected, by the addition of written affidavits; on evidence of such contemptible authority, that if those whose business it was to understand it best were to be believed, it ought not to be of force to pluck a feather from a sparrow's wing, would the learned gentleman, when advanced to that bench on which he should rejoice to see him, decide whether a fellow subject should be fined a shilling or ten thousand pounds, whether he should be imprisoned in the King's Bench for a week, or in Newgate for three years. What could he say on such attempts by man learned in the law to impose upon the plain sense and unlearned understanding of the house, but with his right honourable friend, (Mr. Burke *,) that the gentlemen

* Mr. Burke, in allusion to the strenuous opposition of the gentlemen of the long robe, said, they did not *feel themselves at home* in the house of commons. They were only sojourners

gentlemen of the long robe being accustomed to find the reward of their talents elsewhere, thought the waste and offals of their learning good enough for the house of commons?

It was asked, if all their proceedings did not cease with a dissolution? Precisely those, he would answer, that ceased with a prorogation. On a prorogation, all votes of money, and all bills depending, fell to the ground: but by a prorogation an impeachment was not affected. No more was it affected by a dissolution. During the interval occasioned by either, the high court of parliament could not sit, any more than the courts of common law in the interval between term and term. When parliament met after either, judicial proceedings were taken up in *statu quo*, just as in the courts below after a vacation. In this manner had the proceedings on the impeachment been suspended by every prorogation of parliament, and the committee of managers dissolved. After the prorogation, the committee had been re-appointed, and the proceedings on trial re-assumed. There was no difference between the present situation of the house, and its situation after any of the prorogations that had taken place since the trial commenced, except that having been sent back to their constituents, they might more properly review their former proceedings, to see what they would abide by, and what they would abandon. Were a minister, it had been said, to advise a dissolution for the purpose of putting an end to an impeachment, he would be guilty of a high crime. Were a minister

journers there; they only perched in their flight to a higher region. It was only the seat of their pilgrimage; they had in view a better country, for which they had reserved the full display of their knowledge and talents. All they could afford to give the commons was a sort of quarter session law, a law *minorum gentium*.

to

to advise a dissolution pending an impeachment, *knowing* that it would put an end to the impeachment, he would deserve to be impeached himself. He did not mean to insinuate any reflexion on the chancellor of the exchequer. He had advised his majesty to dissolve the parliament at a time that he thought most convenient for the public service, and he had given substantial proofs that he did not believe it would affect the state of the impeachment. But if there were any persons in his majesty's councils who believed, and who meant to maintain, that a dissolution of parliament necessarily put an end to an impeachment, they were highly culpable, and ought to answer to their country for advising a measure, perhaps good in itself, but which they knew must defeat the ends of public justice.

It had been observed, Mr. Fox said, that as the dissolution of parliament was generally expected, those who conducted the impeachment, and were anxious that public justice should not be defeated, ought to have brought in a bill to continue the impeachment over the dissolution, when they saw that the trial could not be concluded without it: this was not the opinion of the managers, and all that depended upon them had been done. They had moved a resolution in the last session of the late parliament, that the commons would persevere in the impeachment, till the ends of public justice were obtained, and the resolution had been adopted by the house. What was the conduct of those who thought that a dissolution would put an end to the impeachment? Did they apprise the house of it?—No! When they saw the house voting that they would persevere in the impeachment, when they knew that a dissolution was approaching, which, in their opinion, must necessarily be fatal to it, instead of bringing forward their constitutional law for the information of the house,

house, when such information might have been useful, they carefully concealed it as a snare, as a poison which lay lurking in their minds, and which was now insidiously brought into motion to destroy at once both the law of parliament and the constitution.

They had been advised to inspect the lords' journals, and to consider their own as of no authority. His honourable and learned friend (Mr. Erskine) had been the author of this advice.

> Primum Graius homo mortales tollere contra
> Est oculos ausus.

It was, he believed, the first time that a member of that house had advised them to consult the journals of the other for the privileges of the commons, in preference of their own. If their own journals could afford them no information, then, indeed, they might consult the journals of the other house; or they might appeal to the lords' journals as corroborating the authority of their own; but to search the lords' journals for precedents to controvert the authority of their own, and to make out a case against themselves, was what he never expected to hear proposed. They had on their own journals an express declaration that an impeachment does not abate by a dissolution of parliament; a declaration acquiesced in by the lords, repeatedly acted upon by the commons, and never once contradicted by a subsequent declaration: and it was strange indeed to hear the same learned gentleman, who had laid it down as a principle, that an order of any competent court, acquiesced in for a series of years, and never afterwards annulled, made law, advising the house of commons to consult the journals of the lords for the purpose of turning aside the clear

and uniform stream of the law of parliament as appeared for more than a century.

Next to the independent and free born spirit of the people, Mr. Fox said, the law of impeachment was their best security for the undisturbed enjoyment of their lives and liberties. It was their only peaceable security against the vices and corruptions of the government; and therefore, he hoped, that no man, by weakening or annihilating that, would reduce them to the necessity of having recourse to any other. To declare that an impeachment did not abate by a dissolution of parliament, with a view to prevent the improper interference of the crown, had been called *muzzling the lion with a cobweb.* No human form of government was ever yet so perfect as to guard against every possible abuse of power, and the subjects of every government must submit to the lot of men, and bear with some evils. But when abuses became so frequent or enormous as to be oppressive and intolerable, then it was that the last remedy must be applied; that the free spirit of the people must put into action their natural power to redress those grievances for which they had no peaceable means of redress, and to assert their indefeasible right to a just and equitable government. No man would deny that cases might occur in which a people could have no choice but slavery or resistance; no man would hesitate to say what their choice ought to be; and it was the best wisdom of every government not to create a necessity for resistance by depriving the people of legal means of redress. He felt it his duty to state, in plain terms, to what the abuse must lead, if the remedy was essentially weakened or wholly taken away. The alternative he had mentioned, every good man must deprecate as too dreadful in its probable consequences; and whenever sad necessity should urge it on, every individual who had a heart to feel for the cala-

mities of his country, must deplore the exigency of the times. Nevertheless they were to watch possibilities in that house with an eye of caution and jealousy; and should tyranny ever be enforced, he had no doubt but the gentlemen of the long robe, whose opinions he had felt himself obliged to reprobate, would contradict the sentiments they had chosen to deliver, by their actions, and shew by their zeal and activity that they were as ready to lay down their lives in defence of their freedom, as any description of men whatever.

Mr. Fox concluded with a short review of precedents; contending with irresistible clearness and force, that all, except one, made against the abatement of an impeachment by a dissolution, and had been so understood by the courts of justice, and by the most eminent law authorities. But it was not on precedent, he said, but on principle that he stood. The right of impeachment, proceeding without abatement from session to session, and from parliament to parliament, was the vital, the defensive principle of the constitution; that which preserved it from internal decay; that which protected it from external injury; without which, every office of executive power, every function of judicial authority, might be exercised or abused at the caprice of him who held it, or of him who had the right of appointing to it.—The question was carried in favour of the impeachment by 143 to 30 votes.

In the course of the session a bill was brought into the house for the relief of certain descriptions of Roman catholics, which afforded Mr. Fox a fresh opportunity of asserting the principles of toleration. He repeated his former ideas on the subject that the state had no right to enquire into the opinions of people either political or religious; it had a right only to

take cognizance of their actions. He contended that all the different christian religions that were tolerated in other countries of Europe, ought to have the same convenient toleration in England. Adverting to the present state of toleration in different countries of Europe, and the advantages resulting to each from that salutary regulation, he said, in the king of Prussia's dominions all religions were tolerated; in the United Provinces all religions were tolerated; and in France and America it was the same. What could be the reason of this? Would it be said that Prussia was too little monarchical for a monarchy? or that Holland was too little aristocratical for an aristocracy? or that liberty was not sufficiently extended to satisfy the friends of freedom in France or in America? And yet, though toleration was given full scope to in a monarchical, an aristocratical government, and two democracies, under our constitution, boasting of its superior excellence, on account of its possessing and blending all the excellence of each of the three forms of government, toleration was to be narrowed and confined in shackles disgraceful to humanity. He thought he had thus given a contrasted variety of governments, and every one of them, he contended, had been manifestly and essentially improved by the principles of toleration. When it was thus found (and he believed the statement he had given was incontrovertible) that universal toleration, without any exception, was a wise and salutary measure in every different government, certainly it was particularly calculated and well adapted to the constitution of this country, one of the principal beauties of which had always been, and he trusted would ever remain to be, a mixed government, composed of parts from every species of government, happily blended to form a constitution and government so near to perfection, as to be at once the admiration and example of surrounding

nations, as well as the glory and boast of every British subject that lived under its benign influence.

When the bill was in its progress through the house, Mr. Fox expressed his desire that its principle might be extended to all classes of Roman catholics. He could not agree with some persons, that policy had ever been a just cause for the severe laws that had been enacted against the papists. It was not policy ever to oppress. By oppression, resistance was excited; and the inflexible mind of man was more readily provoked to obstinacy, than subdued to submission, by such measures. The true motive of the severe laws which were enacted in the reign of Elizabeth, might be derived from a baser source; it was fear and not policy which suggested them. At that time the great number of persons attached to the communion of Rome, rendered that party formidable, and provoked the severity of a fearful government. Their multiplication was owing to the same cause in the reign of king James. Afterwards, in the reign of Charles II. the same apprehension of popery remained, though, perhaps, from a cause not entirely similar. The arbitrary measures of the court, the tendency which prevailed even then to the communion of Rome, and the certainty of a popish successor, connected as these things were, not by necessity, but by fortune, gave a bias to the opinions of the people, and made them ascribe those dangers to religion, which were the result of ambition, and the spirit of domination. Happy if the people had then been able to exercise this discernment, and to vindicate the proceedings which were afterwards successfully terminated in the revolution, not upon religious differences, not upon the dogmas of theology, but upon the just, solid, and unanswerable principles of liberty.

But

But whatever reasons there might have been for those fears of popery in former times, surely no grounds for alarm existed at the present moment. We had nothing to fear from a pope, from a popish king, or from a pretender.—When all these reasons were vanished, was it fit for the house any longer to maintain on its statute books, acts, which could not even be stated without being universally reprobated? He regarded the statutes against toleration as impious; for who gave the house a right to decide upon the religious opinions of any man? He hoped the time was not far distant when religious liberty would be held as essential as civil liberty, and be enjoyed with safety in all governments.

After going over a variety of ground, Mr. Fox concluded with appealing, in favour of his proposition for a more ample toleration, both to the justice and mercy of the house. It was a maxim in politics, he stated, that the power of the many was more difficult to remove, when improperly exercised, than the power of the few. The power of the tyrant was the power of a single individual; and though his reign might be prolonged by many causes, yet his support was artificial, and rebellious nature, enlightened by reason, would most certainly succeed in crushing the usurpation, and asserting its dignity. But the power of more than a single tyrant which had the support of nature, in proportion to its physical diffusions and solidity; and every attempt to relieve from such an oppression, would be attended with more difficulty than in the former case, on which account it required greater temperance and moderation in its exercise. But worst of all, and quite desperate of relief, was the case where almost the whole body of a community differed from a very small part of that community, and, in differing, oppressed it. In this case, not only temperance and moderation were necessary virtues, but indulgence and mercy

mercy should prevail over every other sentiment, and we should distrust our very strength, because we know how often strength is perverted. He had always been of opinion that the old proverb, though homely, had great good sense in it. "*As you are stout be merciful.*" In proportion to superiority of strength, every person was bound not to tyrannize over the few, nor to trample on the weak; but to act as he hoped that house would do by the Roman catholics, carefully squaring their conduct by the strictest rules of justice and humanity.

The question of the African slave trade occupied, at this time, much of the attention of parliament and the nation; and the horrid cruelties proved to have been exercised in the prosecution of that detestable traffic, excited mingled sensations of commiseration and indignation in the breast of every person of humanity. On the 18th of April, Mr. Wilberforce, whose noble exertions in the behalf of the oppressed natives of Africa will ever be remembered with applause, brought forward a motion for the abolition of the slave trade. On such an occasion, it was impossible for a man abounding in the milk of human kindness like Mr. Fox, to give a silent vote. In one of the most pathetic and masterly orations ever delivered within the walls of the house of commons, he gave a full vent to the unbounded philanthropy of his heart, which, had the zeal of his contemporaries preserved no other memorials of his matchless powers, must have left posterity divided, whether most to admire, the transcendent genius of the orator, or the beneficent heart of the man, tremblingly alive to all the claims of humanity, and bleeding for the sufferings of his fellow beings.

Mr. Fox commenced his speech by observing, that it having been said, that

that parliament had long permitted the slave trade, it was obvious that there was a wide difference between neglecting to put a stop to cruelty and injustice, when the objects were not immediately under their consideration, and their giving their solemn sanction to such a system, after long investigation and debate, and with all the proofs of its enormity full in their view. If the decision of the house should be in favour of the trade, they would incur more guilt in the eyes of God and the world, than their predecessors, by all they had authorised and permitted. No man would suspect him of prizing political liberty too lightly: it was a great and inestimable blessing which no man could be too anxious to preserve or to obtain; but when compared with personal liberty, without which one man became the slave of the interest or caprice of another, it appeared of no account.—How the Africans were treated, and how the trade was conducted, it required only that they should peruse the evidence on the table to know—and after reading that evidence, persons who could stand up in that house, and give a vote for its continuance, must have nerves of which he had no conception. Human sacrifices, he knew, had been made in all ages of man; and ancient history produced instances of sacrifices, where all the natural ties of the heart were broken; but, in such instances, a Brutus justified the act by self reasoning. He filled his mind with an heroic sentiment of love for his country. But all these instances of sacrifices fell and diminished to nothing, in comparison of this wholesale sacrifice of a whole order and race of our fellow creatures. What was this African trade? A traffic for human beings to be torn from their country by force, in order to be subjected to the caprice and tyranny of other human beings, for their natural lives, and their posterity for ever. Such was the trade!

Mr.

Mr. Fox then proceeded to adduce some instances of the cruelty with which the slaves were treated in the islands. It had been stated, he said, in the evidence of a gentleman of unimpeached integrity, that in one of the French islands, a planter had a slave who had run away from him, and who he feared might commit the abominable crime of running away again; to prevent this, he sent for a surgeon, and directed him to cut off one of his legs: the surgeon remonstrated strongly against the detestable cruelty of the act, and positively refused to comply with so execrable and inhuman a request. The planter said he would make it the duty of the surgeon to comply, and saying this, he actually broke the man's leg—broke and lacerated it by the application of force! and then turning to the surgeon, said, "Now, sir, do your duty, and cut off that mangled limb to save the fellow's life."—The other instance was not in a French island. A gentleman heard the screams of a female negro from the inside of a hedge. He looked through the hedge and saw a woman suspended by the two arms to a tree, and swinging to and fro; but her screams were so horrible and heart-piercing, that he could not conceive that they proceeded entirely from this torture. He made his way through the fence, and found the author of her torture standing with a lighted torch, which, as he swung his helpless victim from side to side, he applied to every part of her body by turns—to torture, but not to kill her—to keep her in agony that made the blood curdle but to imagine.—"I know not," exclaimed Mr. Fox, "what might have been the crime of the poor sufferer; but grant that it was the worst possible crime that the human heart could conceive, such punishment was base, horrid, and unpardonable."—"I see," continued this great advocate of the human race, "that your hearts are unable to bear these tortures; and yet you will sanctify them by law. Humanity, sir, does not consist in a squeamish ear.

It belongs to the mind as well as to the nerves, and leads a man to take measures for the prevention of cruelty, which the hypocritical cant of humanity contents itself with deploring.—What do we do? In our indignation of justice, we condemn to death a low pilferer—a pickpocket or a highwayman—and the same legislature that makes such crimes (which, comparatively, may be called innocence itself) sanctifies the pillage, robberies, and murders of this horrid trade. What is the consequence of this compromise? That it unsettles the principles of justice in the minds of men—that it takes from the legislature the strong hold which it ought to have in its character, and the influence which it would derive from integrity and consistence. It is as necessary in sound policy, as it is in justice and honour, to abolish a trade which militates against our own morals and police at home, as well as against our national character abroad."

The first answer that had been made to those who desired the abolition of this detestable traffic, said Mr. Fox, was, that the Africans were miserable in their own country, and therefore there was no harm in taking them away. If they were unhappy, it was their own misfortune; but was not ours a very unaccountable mode of bettering their condition? What right had we to force upon them a new condition? "If we are unhappy," they might say, "leave us at least the comforts we have—the liberty of our native, though naked plains—the social relations of life—the natural exercise of the functions with which we are endowed: they belong inherently to us, and you have no right to change, even to better, our condition." But it was ridiculous to say that their condition was bettered; when they were forcibly divided from every thing that was dear to them in life, and sunk and degraded into the state of personal slaves to fellow-

creatures—to creatures perhaps much more feeble in mind and body than themselves.—The second argument he had heard was from an honourable alderman (Watson); and though the subject was too serious to countenance any thing facetious, he could not help saying that the argument was irresistibly ludicrous. "The utility of the African trade," said the alderman, "was manifested in the support which it gave to our nursery of seamen; for the slaves eat the refuse of the fish taken at Newfoundland, and which is too bad for any other market." This argument, said Mr. Fox, seriously advanced, was curious. The trade was to be supported, because the slaves eat fish so bad that no other persons would eat them, and thereby supported the nursery for seamen! Was this also a proof that we bettered their condition, by carrying them to our islands?—

The third argument against the abolition, continued Mr. Fox, and the argument of most weight, was, that though the English might be ready to give up this trade, other nations were not; and it was asked, if we were ready to sacrifice so much of our trade to France, Spain, Holland, &c.? This argument of gain, however it might be addressed to gentlemen, certainly deserved little weight seriously considered; for what did it amount to?—That we enjoyed a gainful trade which we confessed we were ashamed of—But what signifies our giving it up? The poor African will be no better. The French, Spaniards, and Dutch, will oppress them in the same way, and we shall only lose the profits. Such was the train of reasoning. Just in the same way might a common robber argue, when exhorted to relinquish his vices, and amend his life. "It is true," he might say, "I am sensible of my crimes, but what will the world gain by my repentance? If I do not take your purse at this corner, I know to a certainty that some more of the gang will stop you a mile farther—you will

will certainly lose your purse, and I shall lose it too." Away with such reasoning! It was time for men to think that there were other objects in good government than mere gain. They were not indeed legislators for the universe, nor could they dictate to other nations what line of conduct to pursue; but let them set a good and wholesome example—let them be the first to act right, and there was no doubt but there would soon be followers of their example.

No man, he was persuaded, cou'd view the question in its true aspect, and suffer his understanding to be bewildered by these arguments. Equally false and irrational was the monstrous proposition, that through all the various nations of Africa from which this deplorable traffic was supplied, their fellow creatures were in a lower state of intelligence than themselves, and that they were born to subjection. In all countries, and among all classes of men, there were instances of enlightened spirits, of superior endowments, of hearts as pregnant with honour, and of minds as truly illuminated by genius, as they could boast in the polished climate of England. And, he had no doubt, but in the indiscriminate career of this trade, we frequently trampled on men of souls as high and sensible as any that Europe could boast. They had, in evidence on the table, a memorable instance in point. In a slave ship, during the passage, a gentleman heard an unusual clang of the chains, and a murmur of mental agony. A slave, who perhaps had been taken captive in battle, had dreamt, it seems, that he was again in his own country—again restored to the free functions of life—again high in command—again leading faithful followers to battle—and from this joyous scene of a disturbed but high imagination, he awakened to find himself, stretched and chained, surrounded by hundreds of his supine companions. The horror of the contrast

from dreaming delusion to waking certainty, threw him into a paroxysm that filled the ship with horror.

Mr. Fox then called on the house to make the case their own. To suppose what might happen—that by some turn of human affairs, England should be over-run by a tribe as savage as Englishmen were on the coast of Africa—and that they carried into slavery a number of the people of England. From what class of Englishmen, however low and uneducated, could they find men so generally dull and senseless as to have no feeling to the wretchedness of personal slavery? What arrogance and blasphemy was it then to suppose, that Providence had not endowed men with equal feelings in other countries! Let them look to the words of our Saviour; let them weigh deeply one of the most splendid doctrines of the christian dispensation—a doctrine which, more perhaps than any other, served to illustrate the unparalleled beauty and grandeur of that most amiable and excellent of all religions—a doctrine before which slavery was forced to fly; and to which doctrine he attributed the memorable and glorious fact, that, soon after the establishment of christianity in Europe, human slavery was abolished. The doctrine to which he alluded was, "*High and low, rich and poor, are equal in the sight of God.*"—Here was a doctrine which only required to be duly impressed on the heart of man to extinguish the term of slave; and accordinly, what all the ancient systems of philosophy had failed to do, christianity had accomplished; and yet, in the ancient philosophers, we found a liberality of sentiment, and a view of human rights, as perfect as in any of the theories of the present day. It would be idle in him to pay so false a compliment to any of the great names that adorned the present day, as to say that there were men now alive more capable of delivering the truths of

of an enlightened philosophy and a commanding eloquence, than Demosthenes and Cicero—that there were historians and writers more capable of asserting the rights of men, or the dignity of human nature, than Thucydides and Tacitus—and yet these men were contented to live in states where men were slaves. It was, in his mind, to the pure light which this doctrine of our Saviour gave to the heart of man, that the abolition of slavery was to be ascribed. He knew that there were men who ascribed every improvement in the condition of the human race to the enlightened philosophy of modern times. He was willing to allow much to its happy and progressive influence.—Then why, exclaimed Mr. Fox, not proceed on this philosophy if they denied it to the power of religion? Let each party ascribe it to the influence that he favoured; but as both the philosopher and the christian pursued the same end, though by different means, why not pursue it with the temper and meekness which the moving powers were calculated to inspire? If the motion should unfortunately be rejected, he pledged himself, in whatever situation he might be in that house, to give the proposition his whole attention and influence as often as it should come on: and he trusted it would be regularly brought forward, until the wisdom of parliament should deliver the nation and the age from the ignominy of so disgraceful a traffic.—It had been too much considered as a matter of gain. Gain, he must repeat, was not the first purpose of a well regulated government—nor even the second purpose. Honour was greatly above gain—and justice was greatly above honour. He trusted they would convince the world, that they were not so devoted to gain, as to sacrifice the principles of general justice—of that justice which it became them to extend to all the world, and which they could not refuse without a breach of national honour. This they would

do,

do, if they did not cordially agree in the abolition of that detestable traffic.

Mr. Fox said, if it were asked, whether it were meant to abolish slavery in the West Indies also, he would candidly answer, he was sorry that he could not go so far. It was possible for men to be slaves so long, as to make it dangerous all at once to give them their liberty—as a man might be blind so long as to make it delicate for a surgeon to open his eyes all at once. Besides he did not think the condition of men born and brought up in slavery, so deplorable as was his, who born and brought up to man's estate in freedom, had been snatched by violence from his home, and reduced to subjection. Mr. Fox illustrated this difference with great felicity of argument, and concluded his animated appeal in behalf of the oppressed sons and daughters of Africa, with repeating his pledge of continuing, in all situations, to exert himself for the accomplishment of this object.——How nobly this pledge was afterwards redeemed, it is not the place here to descant upon.

Among the many advantages of the British constitution, none is more justly prized by the people than the *trial by jury*. It is one of those rights of which the daily and familiar exercise is equally a bulwark of their freedom, and a sign of their dignity. In the trial of crimes by this mode, the person to be tried feels the protection of his country against any oppressive accusation, and the jurors exercise a power which accustoms them to consider themselves as the protectors of innocence, and at the same time the guardians of justice. But it had long been a matter of complaint, that in the case of *libels* the rights of juries were in an indefinite and indeterminate state.

state. A doctrine, supported by the high authority of lord Mansfield, had prevailed for a considerable time in the courts of law, that on the trial of a person accused of a libel, the only questions left with the jury were the *fact* of the publication; and if there were what are called *innuendoes* in the libel, (that is blanks or ambiguous expressions, meaning certain persons or things,) whether the indictment charged their meaning or import fairly. The intention of the writer and tendency of the writing were held to be questions of *law*, on which it was the province of the judge to decide.

On a general view of the subject it could not well fail to strike the observer, that criminality was to be measured by something else than the mere publishing of a paper; and that the essence of that criminality must consist in the intention and tendency of the publication. That if this intention and tendency were not to be tried by the jury, their function was of little importance, and could not afford that protection to their fellow subjects which the trial by his peers was meant to secure to him. The stream of decisions, however, had run so long in this channel, as was held to amount to a fixed and invariable rule of law, and it was supposed necessary to resort to the legislature to establish a new rule for the future; and to give to the jury in the trial of libel that power of decision, which should be more analogous to their jurisdiction in other criminal matters, and more congenial to the spirit of the British constitution.

In the course of this session Mr. Fox made a motion for a grand committee on courts of justice, to enquire into some late decisions of the courts in cases of libel. He prefaced his arguments by saying, that he hoped he should not by this motion be thought inclined to lead the house

house to any measure foreign to their jurisdiction or their duty ; nor when he urged the necessity of the house watching over this, as over every other branch of the executive government, he should be supposed to insinuate any thing particularly defective or blameable in the execution of justice at the present moment. If such a supposition were admitted, that house must either abandon one of its most important functions, or have the mortification to think itself the cause of alarms in the country, by exciting suspicions derogatory to that obedience to the law, and to that respect for its interpreters, so essential to the safety and welfare of the state. It was only his intention to complain of defects which had crept into the courts, and which required the interference of that house to prevent their taking root. Whoever made an observation on the improvement of the world, and on the general spread of science, must acknowledge that it was owing to the diffusion of the liberty of the press. He would not, he said, declaim on the various advantages of the liberty of the press, though he hoped he might assert those advantages without being thought a defender of its licentiousness. Previous restraints on the press, he thought, had, in all countries, and at all times, had the effect of restraining the just liberty of the people, without being able to prevent the mischiefs arising from its licentiousness ; and he believed if there was any danger of a preversion of the press, or of taking from the just and natural abhorrence of its licentiousness, it was by a series of severe judgments, and of severe punishments on free writings. He acknowledged the abuses of the press ; but if persons were to argue, from the circumstance of there being so much licence, that there was liberty enough, in his apprehension they would argue very inconclusively. There was no difficulty in this country for any man to libel another ; but no man ought to libel with impunity, and public characters had as much a right to be defended as

those who were never engaged in public affairs. Any man could indeed libel with impunity any character public or private: but, as the law now stood, he much doubted whether any man could really discuss the actions of government, in the way in which it was the right of every man to discuss them, without running a greater risk to his person and property than prudent men would choose to hazard.

In this view Mr. Fox stated the case of *Luxford*, printer of the *Morning Herald*, prosecuted for a libel published in that paper with regard to the armament in our dispute with Spain. The subject was certainly in this free country a matter of fair discussion; and all that the author of the paragraph had said was, "that the ostensible purpose of the armament might possibly not be the real one; that the object of Nootka Sound was too trifling to justify so great a hazard; and therefore it might be connected in some way with our Prussian alliance." This political opinion or hypothesis he could not conceive to be a libel at all; and had the information been drawn in a way which would have brought this point fairly to a decision, he had not a doubt that judgment might have been arrested on it. He mentioned the case to shew the mischiefs to which the present doctrine of the law of libels might lead. By that doctrine it is held that the filling up the innuendoes is the province of the jury; and the tendency of the whole writing, after these are filled up, the province of the judge. An innuendo in its fair sense he took to be a mere explanation; it was like the Latin words *scilicet*, or *id est*, or the English word *importing*. But on the trial in question the innuendo took the shape of an inference; it did not merely explain the import of a word, but declared the tendency of the whole passage, "to alarm the king, the national assembly, and the people of France, and to induce them to enter into hostilities against

this country." In this case, therefore, if the defendant applied himself to the jury, he might be told that the tendency of the word was a legal inference of which the court was to judge; if he applied to the court, they might tell him that this was not a legal inference, but an innuendo, or inference in fact which the jury had found, and must be taken as it appeared on the record.

There were indeed other counts in the information against Luxford, charging him with a libel against the king's ministers, whose conduct the author in question had censured in strong terms; and as far as accusing them of acting without policy, prudence, or spirit, was libellous, he was certainly guilty of a libel against them; but not a libel of such atrocity as deserved to be punished, not such, he believed, as they would wish to have punished, *by standing in the pillory, and a twelvemonth's imprisonment,* which was the sentence of the court in this case. He felt the delicacy of bringing any thing forward like a complaint against the court; yet he could not reconcile to his feelings to stand by unconcerned, and see an innocent man suffer, or what was nearly the same thing, a guilty man punished much beyond the measure of his offence.

From the examination of this particular case, he was led to consider the law of libels in general, and the question who were to be the judges of innuendo and of inference. If the jury, as was confessed, were judges of the first, he, for his part, could see no reason why they should not be judges of the latter. If it was maintained that such a writing, as in the case he had specified, tended to excite the French to hostilities against this country, surely that was an inference of one fact from another, which a man of plain good sense might draw from his own judgment, but which

which all the law volumes in the world could never assist him to form.

The point to be considered was, whether when law and fact were mixed, the jury were competent to decide upon both. After complimenting Mr. Erskine for his speech on this subject in the trial of the *dean of St. Asaph*, Mr. Fox proceeded to the consideration of the law authorities on the subject. For authorities in law he professed the highest respect; but when authority was not consonant to reason, it had the pernicious effect of destroying that reverence for authority on which the pillars of public confidence and security rested. In the opinion of some lawyers of high rank and eminence, the jury, in cases of libel, were to find the publication and the innuendoes, and the question of intention was afterwards left completely to the court. On the contrary, he was of opinion that many of the things stated were not matters of law, but matters of fact: and whether they were matters of law or of fact, where the general issue was joined, the jury was to consider such general issue, and give a verdict compounded of fact and of law. This opinion, he said, was not of modern date, but as old as the time of the celebrated *John Lilburn*, whose principles were just, though his phrase was homely and coarse. He was tried for a libel in the time of Cromwell, and acquitted in spite of all the influence of the protector and the anger of the judges. With regard to his acquittal or condemnation, *Lilburn* declared the jury were every thing, and the judges mere cyphers: the reply of judge *Jermyn*, who presided on the occasion, was a curious specimen of the temper and manners of those times.—He said, "it was a damnable and blasphemous heresy to call the judges cyphers." Yet Lilburn was acquitted. For a considerable time after, the subject had been considered in a different

view, for which he would hazard a conjectural reason, that from the restoration, till some years after the revolution, the press being subject to a licence, the only thing necessary for the jury to consider was, whether such a thing was published without a licence, the want of licence alone constituting the crime. It was in latter times that the doctrine was first promulgated, that the jury were not at liberty to consider the matter of a libel generally; that they were to determine only the fact of the publication, not its tendency, nor the intention of the publisher. It was not easy to imagine that the law of England, with all its justice and liberality, could pronounce a man guilty, before any enquiry into his guilt; yet this must happen if all that the jury have to determine is the mere fact of publication. In every other branch of the criminal law, guilt was to be proved before it was inferred; but in this, guilt was inferred against the defendant before it was determined whether his publication was culpable, or innocent, or even a meritorious one.

Lord Mansfield's opinion, which, Mr. Fox said, he had considered with all the deference and respect due to so able a magistrate, seemed to resolve into this, that the verdict of a jury in the case of a libel was in the nature of a special verdict, that is, finding certain facts, and leaving the application of the law to the court. In the first place then, the jury in the case of libel were constrained to find a special verdict, which ought to be, and in every other case was, a matter of choice. But in the second place there was a most material difference between this special verdict in the case of libel, and special verdicts in every other case; that in other cases the court must consider the law before judgment can be pronounced; in this, if there was no motion in arrest of judgment, judgment immediately followed without any such consideration. The jury find the publication;

cation; no matter how innocent or even useful the publication is—judgment follows of course, and the publisher is punished as a libeller. Was it agreeable to the spirit of the law of England that the *onus* should lie on the person accused to prove his innocence, and not on the accuser to prove his guilt?

With respect to the general principle of the lawyers, that "*ad questionem facti non respondent judices; ad questionem legis non respondent juratores*," Mr. Fox observed, that when a man was accused of murder, a crime consisting both of law and fact, the jury every day found a verdict of guilty, and this was also the case in felony, high treason, and every other criminal indictment. Libels were the only exception, the single anomaly. He contended that if the jury had no jurisdiction over libels, the office of counsel in such causes was unnecessary. When a jury was in a court of justice, and they did not enquire into the criminality at all, but only into the fact of the publication, the counsel addressing them was a sarcasm on the proceedings. There was another part of the doctrine of libels which appeared unaccountable.—It was admitted that if part of the writing were libellous, and another part not libellous, they had a right to bring the whole before the jury in evidence. Mr. Fox asked, on what principle were the jury to look at the whole, but that they might know whether the paper was libellous or not? In 1731, in the time of lord Raymond, the present doctrine of libels was introduced; but he hoped that no man would contend that it ought to be law. It was a principle of law so absurd, so vicious, so untenable, that in the practice of this reign, and even of lord Mansfield himself, it was not invariably adhered to. In the case of the King against Horne, lord Mansfield said, "that intention was a matter for the judgment of the jury, and that they were to decide upon

upon the criminality." But this doctrine was completely denied in the case of the King against Shipley, and on that account he wished the house to come to a decision on the subject.

Mr. Fox said, he had hitherto considered the subject as relating to libels, and to libels only. He meant to state it with regard to a matter of still higher importance, with regard to high treason. He believed it was admitted on all hands, that a writing might be an overt act of treason. In this case if the court had a right to say to the jury, "consider only whether the criminal published the paper; do not consider whether it was treasonable or not:" would Englishmen endure that this should be the case? Could men permit death to be inflicted without a jury having had an opportunity of delivering their sentiments or verdict, whether the individual was or was not guilty? If this doctrine were true, and it could be brought home to the person who wrote the paper, that he published it, he would not have a word to say in his defence. And he must be found guilty, not of a misdemeanour, but of high treason. His liberty and life would not depend on the verdict of twelve persons, but on four lawyers. He did not mean, Mr. Fox said, to speak with disrespect of the judges; but a verdict, in such a case, would certainly depend on four men who drew their deductions from books, not from facts, and the circumstances of the times. A man might thus be in a situation to lose his life without the judgment of his peers. This point was stronger in case of high treason than in that of libels; but it was only stronger, inasmuch as to a man death was of more importance than temporary confinement.

Having

Having shewn that the modern doctrine of the law of libels was contrary to the original principles of law, and dangerous to the constitution, Mr. Fox said, he found himself incapable of suggesting a remedy for these evils without the assistance of the house. If the committee were clear as to the law on the subject, their wisest and most proper measure would be, to enact a declaratory law respecting it; but if they were of opinion that the high authorities on the other side of the question made the law doubtful, they might settle the law in future, without any reference to what it had been in times past.

Mr. Fox having finished the subject of libels, called the attention of the house to another point of great importance. By a statute of queen Anne, for regulating proceedings by *quo warranto*, every corporator might inform himself of the corporate situation of any burgess of the same borough. Any private man might make his application; and, according to a late opinion, the court had a discretionary power of granting or refusing it. According to another opinion, the court had no such discretion. The former opinion, however, was the best. The court of king's bench had endeavoured to lay down a rule to guide their discretion, and lord Mansfield had held twenty years as the space of time after which no application should be made to disturb men in their franchises; but recently the court had greatly shortened the period within which people might apply for such informations. They had determined, if a man had enjoyed his franchises, without interruption, for six years, he should never be called upon after that period. This Mr. Fox thought an improper regulation. There was another point of view in which the matter might be taken into consideration. The attorney-general could of his own authority move for informations; and though private persons were limited to six years,

years, he was subjected to no such inconvenience, being wholly unlimited in point of time. It always happened that the king's ministers were more or less concerned in elections; and consequently the attorney-general might move for a great many informations against those who were not friendly to him or his colleagues. Corporators, after six years, were safe against every man but the king; but if they were to exercise their privileges contrary to the interests of the crown, the king's attorney-general might come and take their franchises from them. This, he said, was an immense additional weight to the prerogative of the crown, and might prove extremely dangerous to the liberty of the people. He thought there ought to be a statute regulating the conduct of the king's bench, with regard to the granting of such informations, and giving double costs in cases of frivolous applications: and he thought also, that with respect to limitation of time, the crown and the subject ought to stand precisely on the same level.

Reverting to the subject of libels, Mr. Fox said, there was one great and popular topic which he had purposely omitted—viz. the doctrine, that "*truth was not only not a justification, but a libel was more a libel because it was true.*"—To say that truth was not sometimes a justification, would be very extraordinary indeed; yet there certainly were cases in which truth would not be a justification, but an aggravation. Suppose, for instance, a man had any personal defect or misfortune, any thing disagreeable about his body, or was unfortunate in any of his relations, and that persons went about exposing him on those accounts, for the purpose of malice, and that all these evils were, day after day, brought forward to make a man's life unhappy to himself, and tending to hold him out as the object of undeserved contempt and ridicule to the world—would any man say

that in cases of this sort truth was not rather an aggravation? On the other hand, in questions relating to public men, verity, in respect to public measures, ought to be regarded as a complete justification of a libel, if a libel it could be called in that situation. He conceived, therefore, that the best way would be to permit every defendant to prove the truth of a libel, if he thought proper, and then to consider what effect it ought to have, whether it amounted to a justification or otherwise, and to let it affect the judgment either way in proportion. They ought to consider, Mr. Fox said, the main springs upon which the constitution turned. The two most important springs were, *the representation of the people through the medium of that house, and the juridical power of the people through the medium of juries:* and it appeared to him that if even the other parts of the system fell into disorder, yet, if these main springs were preserved in full vigour, the rest might be repaired; but if these two springs gave way, all the rest must fall completely to destruction. The right of the trial by jury could not be complete, unless in every criminal case, where the law and fact were mixed, the jury were the judges; unless the intention was to be decided by the jury, and not by men who could not judge but by means of books, and many subtilties and distinctions, but could never find out the heart of man, and distinguish between his actions.

Mr. Fox's motion being assented to by the minister, with some slight modifications, two bills were brought forward, the one, "to remove all doubts respecting the rights and functions of juries in criminal cases;" the other "to explain and amend an act made in the ninth of queen Anne, for rendering proceedings upon writs of *mandamus*, and informations in the nature of *quo warranto*, more speedy and effectual." These bills passed

the house of commons, though not without considerable opposition from the crown lawyers. In the lords they were strenuously opposed by the lord chancellor, (Thurlow,) and, at the second reading, postponed.

The public rupture between Mr. Fox and Mr. Burke, so memorable in its consequences, occurred in the course of this session. Previous to the meeting of parliament Mr. Burke had published his celebrated Reflexions on the French Revolution, and as his sentiments on that event differed widely from those of Mr. Fox, some degree of alienation took place between them, but no public discussion of their opinions occurred till the debates on the bill for settling the constitution of the province of Quebec. In its first stages through the house, the bill excited very slight attention; but on considering the report on the 8th of April, Mr. Fox stated a number of forcible objections. The division of the province, he said, which was the most important and striking part of the bill, appeared to him not only unnecessary but impolitic. It had been recommended as dividing the Canadian from the British inhabitants, and affording the means of providing for their separate interets; but was this an object to be desired? Was it not much more desirable that those two classes of inhabitants should unite and coalesce, and that all such national distinctions should be henceforth extinguished and forgotten? He objected to the number of the representative body, which in the bill was limited to sixteen in Upper and thirty in Lower Canada, as too small; and its duration, which was fixed like that of the British parliament for seven years, as too long. On the same principle, he thought the proposed qualification of the electors (5l. per annum) too high. All these provisions, he contended, were contrary to the principle, which, in forming this part of a new constitution, ought to be the leading one, namely, that of a full and free

free representation of the people. This limitation of numbers in their representatives, he contrasted with the number of the legislative council, which might be deemed the aristocratical part of the proposed constitution. They might amount to any number at the will of the governor. The manner in which this council was to be formed he considered as equally objectionable: instead of its members being elective, as was the case in some of the colonies of the West Indies, or appointed by the crown for life, it was to be partly composed of counsellors appointed in the latter mode, and of hereditary counsellors in virtue of certain honours granted by the crown. With regard to hereditary honours, or hereditary power, as a general proposition, Mr. Fox declared, it was not easy to decide whether they were good or not. But he saw nothing so good in hereditary honours or power as to introduce them into countries where they were unknown before; and in this respect Canada would differ from all the colonies in the West Indies. Where those honours made a part of the constitution, Mr. Fox said, he did not think it wise to destroy them, but to give existence to them in countries where they did not exist before, appeared to him exceedingly unwise; nor could he account for it, unless it was, that as Canada had been a French province, and all titles were now lost in France, there might be an opportunity of reviving titles in Quebec. Are those titles, said he, which some persons have so much lamented the abolition of, to be revived in America? Are those red and blue ribbons, which have lost their lustre in the old world, to shine forth again in the new?

Mr. Fox hoped, that in promulgating the scheme of a new constitution, the house would keep in their view those enlightened principles of freedom, which had already made a rapid progress over a considerable

portion of the globe, and were becoming every day more and more universal. But so far from keeping pace with the progress of liberty, the proposed constitution of Canada fell short of the freedom of this country, and appeared to him, in many respects, to be contrary to the constitution of England. The situation of Canada, he observed, was particular. It did not consist, like the West India islands, of a few white people and a number of slaves; it was a country of great growing population, and was as capable of enjoying political freedom in its utmost extent, as any other country on the face of the globe. In a country, where the general diffusion of literature and knowledge were daily increasing, they should have a government as agreeable to the true principles of freedom, as was consistent with the nature of things. He was sure, he said, that the bill could never give them such a government. He wished them to have an elective council; that sort of council he thought best; but if not, to be held during life, to be appointed by the king, to consist of a limited number, and to have no hereditary honours. These honours, he said, were very proper where they existed by long custom, but in his opinion ought not to be introduced where they might be looked at with odium, or regarded with envy. He declared, he wished a permanent provision to be established for the clergy, but he would not agree to make a provision so considerable as was unknown in any other country where the same religion prevailed.

Mr. Burke was not in the house when these observations, some of which so strongly applied to his recent publication, were made; but on the recommitment of the bill, May the 6th, he attended in his place, and immediately on the question being put, rose to deliver his sentiments on the bill. What they were then going to do, he said, required an enlarged

larged view of things. They were going to exercise the most ample and extensive powers which one man or a community could exercise upon another. They were not going to make laws, but they were going to make and organize a body which should make law. At a time when every thing was disputed, they ought to be sure that they had a right to finish such an act as that before they entered upon it. The question of competency, therefore, came first to be considered. Whence, he asked, did they derive their power? They had lately heard of the *rights of men*. These rights were, that all men being by nature free and equal, and continuing so, no man could exercise any power over any number of men but by calling all the people together, and demanding the vote of every man by number, and asking him in what way he wished to be governed. This code he abhorred. It had spread mischief wherever it had been preached. He would legislate for Canada, not from novelties that had been lately raised in the world, but on the *law of nations*.—The next question then was, what model was to be followed in giving a constitution to Canada? There were, he said, three authorities in the modern world, which he conceived would be of great weight. The constitutions of America, of France, and of Great Britain. Mr. Burke dwelt chiefly on the French constitution, which he condemned in the most pointed terms. Its practical effects had been seen at St. Domingo, Guadaloupe, and the other French colonies. They were happy and flourishing until they heard of the *rights of men*. From that moment it seemed as if Pandora's box was opened, and that hell had vomited out its fiends of outrage, fury, distraction, discord, violence, civil war, and mutual assassination. Ought this example to induce us to send out to our colonies a cargo of the rights of men? As soon would he send them a bale of infected cotton from Marseilles. Mr. Burke continuing to declaim with great violence against the French

French revolntion, he was repeatedly and loudly called to order, and at length compelled to sit down.

After some irregular and warm debate on the question of order, Mr. Burke pointedly declared that there was a faction out of doors, disaffected to the constitution, and who wished to alienate the country from it, by endeavouring to fill them with admiration for another. He thought it his duty not to give any countenance to certain doctrines which were supposed to exist in this country, and that were intended fundamentally to subvert the constitution. Here Mr. Burke was again loudly called to order, and lord Sheffield moved, " that dissertations on the French constitution are not regular and orderly when the question is, that the clauses of the Quebec bill be read a second time, paragraph by paragraph."

Mr. Fox seconded the motion. No occurrence, he said, throughout the whole course of his life, had ever taken place, which so severely attacked both his feelings and his principles, as the charges which were directly and indirectly, by innuendo and by implication, made against him by the right honourable gentleman. He particularly felt them at this crisis, and he peculiarly felt them in coming from the man whom he had ever flattered his understanding and his pride with believing to be the friend and patron of his knowledge, actions, sentiments, opinions, and principles.—It was a matter of the utmost concern to him to find, that the space of twenty five years had been so ill employed, as at the conclusion of it to be obliged to acknowledge, that the only poignant pain of mind he had endured was, that which he suffered from the man who first and best *taught* him what it was to feel.—He said, he was sorry to

feel himself bound to support the motion, and much more so, that his right honourable friend had made it necessary, by bringing on an extraneous discussion, in a manner which was not only unfair, but which he could not but think a direct injustice to himself. If the right honourable gentleman's object had been to debate the Quebec bill, he would have debated it clause by clause, according to the established rule and practice of the house. If his object had been to prevent dangers apprehended to the British constitution, from the opinions of any man or set of men, he would have given notice of a particular day for that particular purpose, or taken any other occasion of doing it rather than that on which his nearest and dearest friend had been grossly misrepresented and traduced. The course which his right honourable friend had chosen to take, was that which seemed to confirm the charge brought against him, of having maintained republican principles as applicable to the British constitution, in a former debate on the bill. No such argument had ever been urged by him, nor any from which the inference was fairly deducible. On the French revolution he did indeed differ from his right honourable friend. Their opinions, he had no scruple to say, were wide as the poles asunder: but what had a difference on that, which to us was only matter of theoretical contemplation, to do with the discussion of any practical point, on which no such difference existed? On that revolution, he would not retract a syllable of what he had said. He did think it, on the whole, *one of the greatest events in the history of mankind.* But when he mentioned France, he mentioned the revolution only, and not the constitution. That remained to be improved by experience, and accommodated to circumstances. The arbitrary system of the old government was done away; the new had the good of the people for its object, and this was the point on which he rested. But when he said this, did it follow,

as

as he had seen inferred and attributed to him, that all who admired wished to imitate? Were he to differ from his right honourable friend on any point of history, was it necessary that this difference should be discussed in the house of commons? Were he to praise the conduct of the elder Brutus, and to say, that the expulsion of the Tarquins was a noble and patriotic act, would it thence be fair to argue that he meditated the establishment of a consular government in this country? Were he to repeat the eloquent encomiums of Cicero on the taking off of Cæsar, would it thence be deducible, that he went about with a knife in his pocket for the purpose of killing some great man? Let those who said, that to admire was to wish to imitate, shew that there was some similarity of circumstances. Let them shew that this country was in the circumstances of France, ruined in its finances, deprived of civil liberty, and bowed down to the earth by the extravagance and corruption of its government; and with all the obloquy that might be heaped on the declaration, he should be ready to declare, that the French revolution was an object for imitation for this country. But instead of seeking for difference of opinion on topics, happily for this country, only topics of speculation, let them come to matter of fact, and of practical application; let them come to the discussion of the bill before them, and see whether his objections to it were republican, and in what he should differ from his right honourable friend.

This was then the great topic upon which they differed; but it was really hard, that a difference upon a public topic, and that too which had already produced among various men, various sentiments, should be the cause of sowing such divisions between them. In the course of their political lives many subjects occurred whereon they differed, but before this,

this, there never did happen one which was productive of such a consequence; he had therefore to impute it only to schismatic machinations, studiously contrived to sow the seeds of dissention between them. For it could never have happened that his master (for so he must ever call his right honourable friend) could so far forego or forget the principles which he himself inculcated in him in his earliest day, namely, that a "difference of sentiment upon a public matter, which was one part of the rights of man, should never be a cause for the dismemberment of private friendship among individuals." Proud of that sentiment, he considered himself shielded by it in even differing from that right honourable gentleman himself; and in doing so again, applied to him his own instructions. Mr. Fox said, he must again repeat what he had mentioned on a former occasion, "that all he ever knew of men, that all he ever read in books, that all his reasoning faculties informed him of, or his fancy suggested to him, did not give him that exalted knowledge, that superior information which he derived from the instruction, and learned from the conversation of his right honourable friend;" to him he owed all his fame, if fame he had any; and if upon the subject matter then in contention he advanced such arguments as prevailed over those of that right honourable gentleman, he could acknowledge his gratitude for the capability and pride of the conquest in telling him,

Hoc ipsum quod vincit id est tuum.

Mr. Fox then proceeded to state some occasions on which they differed, but without any abatement of attachment. He reminded his right honourable friend that when Washington gained a victory, they mutually rejoiced; when Montgomery fell, they mutually wept.—When they

agreed, they agreed like men ; when they differed, they differed like philosophers ; nor did they ever differ till an occurrence happened, which, both as men and philosophers, should have made them reciprocally happy, and he was firmly persuaded would have done so, had not the demon of discord interfered, and slyly disseminated the contentious seeds between them in an unlucky moment.—When the general discussion came properly before them, he should be ready to maintain the principles he had asserted, even against the superior eloquence of his right honourable friend : against him he should be ready to maintain, that *the rights of man*, which had been ridiculed as vague and visionary, were the foundation of every rational constitution, and the foundation of the British constitution itself. What, said Mr. Fox, was a declaration of rights, but a reference to those original and inherent rights which no prescription can supersede, no accident take away, the rights of man ? If these were principles dangerous to the constitution, from his right honourable friend he had learned them. And also, " that the general revolt of the whole people could never be encouraged, but must be provoked." Such was in former times the doctrine of his right honourable friend, who had emphatically said, that he could not draw up a bill of indictment against a nation ; and that a whole people never rose against their government but by its own abuse. His right honourable friend had since learned to draw a bill of indictment against a whole nation, and to season it with all the technical ingredients of *malicious, wicked, and by the instigation of the devil.*

But, continued Mr. Fox, he had first taught him to feel and to love the principles of freedom, and not only that, but to revere and cherish them. Having given his mind this bias, having made familiar to his understanding,

derstanding, and impressed on his heart, principles which he was now too old to change, he must rejoice in seeing tyranny destroyed, and a constitution established on the rights of men, on that which was the foundation of the British constitution, for to say that it had any other foundation was to libel it; and not all the right honourable gentleman could say, not all that he could write, would induce him to alter his opinion. In defence of those principles, he was ready to contend with his right honourable friend, whenever the discussion was regular or necessary, without any apprehension of their being found repugnant to the true and admitted principles of the constitution, and he had no objection to come to issue on the subject at the present moment.

Before he concluded, Mr. Fox said, there was one circumstance which particularly demanded his attention, and which he wished to guard his right honourable friend against. He had, in general terms, talked of factions, endangering the constitution; but he had not corroborated his assertions by any statement of facts: he therefore wished, both for the sake of all those gentlemen with whom he had the honour to act, as well as for the sake of having the pleasing opportunity of vindicating himself, that whatever his gunpowder plot was he would divulge it; because, from the manner in which he had communicated the system of it, mankind must accuse of the horrid design, not only himself, but all his friends in and out of that house.

When Mr. Fox had finished, Mr. Burke rose, and began with complaining, that his conduct and his words had been misrepresented, and that a personal attack had been made on him from a quarter where he least could have expected it, after a friendship and an intimacy of more

than twenty-two years. He had been charged with inconsistency, and that he had abandoned all his former sentiments, opinions, and principles. —He could not help thinking, Mr. Burke said, that on the subject of the French revolution he had been treated unfairly. However, when and as often as the subject came to be discussed fairly, and the facts he was possessed of were allowed to be brought forward, he was ready to meet the right honourable gentleman hand to hand and foot to foot upon it.

Mr. Burke insisted that the discussion of the Quebec bill was a proper occasion to put the country on its guard against the dangerous doctrines that had been promulgated in France. There were people in this country, he said, avowedly endeavouring to overturn the government. The practice was, upon all occasions, to praise the French constitution in the highest style of panegyric. Some, indeed, qualified their argument so far, as to praise only the French revolution; but in that he could see no difference, as the constitution, if they had any, was the effect of that revolution. These doctrines received additional weight from the sanction of the right honourable gentleman, so powerful in the support of whatever measures or opinions he countenanced.—He recapitulated the political questions upon which on former occasions he had differed with Mr. Fox, but said, in all these no one difference of political opinion had ever for a moment interrupted or affected their friendship till now. It would certainly be indiscretion at any period, but much greater at his time of life, to provoke enemies, or give his friends cause to desert him; yet if that was to be the case, by adhering to the British constitution, he would risk all, and as public duty and public prudence taught him, with his last breath exclaim, "*Fly from the French constitution.*"

Mr.

Mr. Fox here whispered "there was no loss of friendship."

Mr. Burke replied, "There was." He had discharged his duty at the risk of displeasing his friends, and he would spend his last breath in that house in warning them to fly from the French revolution as from a pestilence, and to cherish and support the English constitution. He had made a great sacrifice: he had done his duty, though he had lost his friend.

He had been told, Mr. Burke said, that it was much better to defend the English constitution, by praising its own excellence, than by abusing other constitutions, and certainly the task of praising was much more pleasing than that of abusing: but he contended, that the only fair way of arguing the merits of an constitution was, by comparing it with others, and he could not speak with propriety of the excellence of the English, without comparing it with the deformity and injustice of the French, which was the shade that brought its colours forward in the brightest point of view; and omitting to do it, would be like presenting a picture without a shade. In the course of his speech, he accused Mr. Fox of having, for the last five years, omitted to give him so much of his company as he used to enjoy, and from thence inferred an abatement of his former kindness.—In conclusion, he addressed Mr. Fox and Mr. Pitt as the two great rivals for power, and warned them, whether they should for the future move in the political hemisphere as two flaming meteors, or walk together like brethren hand in hand, to preserve and cherish the British constitution; to guard it against innovation, and to save it from the danger of the new theories. In a rapturous apostrophe to the infinite and unspeakable power of the Deity, who, with his arm, hurled a comet like

like a projectile out of its course, who enabled it to endure the sun's heat, and the pitchy darkness of the chilly night; he said, that to the Deity must be left the task of infinite perfection, while to us poor weak and incapable mortals, there was no rule of conduct so safe as experience.

Mr. Fox rose under evident emotion to reply to Mr. Burke, but his heart and mind were so affected by the circumstances of the debate, that it was some moments before he could proceed. Tears rolled down his cheek, and he strove in vain to give utterance to feelings that dignified and exalted his nature. The members sympathised in the sufferings of their distinguished colleague, and a reverential silence pervaded the house.—Mr. Fox at length proceeded, and in a strain of pathos and sublime eloquence, which did equal honour to the strength of his head and the tenderness of his heart, conjured Mr. Burke to remember their past lives, to reflect upon the many occurrences of them, to recollect their union, their unalterable attachments, their unalienable friendships, and their reciprocal affections, to believe that there existed between them the ties of nature, as near and dear as the relative situation of father and son could be; that they improved them by social love, each still flattering the other that his intrinsic worth was the magnet of attraction, and each still enjoying the substantial idea in ecstacy of happines: he conjured him again not to renounce in a moment, and for a trifle too, the opinion mutually established for years: not to reject the fabric of many years' construction, for the visionary shade of an ideal habitation, and break through all those bonds which alone can make life happy, to enjoy a liberty of thought which could only tend to make it miserable, and thus violently sever him for ever from his regard. He said, that notwithstanding all that had been said by his right honourable friend, he must still call him

him by that endearing appellation, for his friendship was not of a nature to be affected by the circumstances of one day's debate; it was planted in his heart when a child, it had grown and ripened with his knowledge. It was a friendship improved and rivetted by the intimate connexion and intercourse of three-and-twenty years; it could not be weakened, much less extinguished in his bosom, by the heat or the intemperance of a day. Difference of opinion they had not unfrequently had the misfortune to maintain, but those differences had never interrupted their friendship, nay, even their difference on the French revolution was well known to each other. When the right honourable gentleman published his pamphlet on the French revolution, he had publicly expressed his opinion, that he had differed from him in almost every principle he had advanced; and this was not unknown to the right honourable gentleman, but it had made no difference in their cordial friendship.

It was not until now, that the affairs of France had so forcibly seized on the imagination of his right honourable friend, that every difference of opinion with him was to produce consequences so harsh and unprovoked. Republican principles had been falsely imputed to him *, and the libel thrown

* In order to understand this and some other allusions in Mr. Fox's speech, it is proper to mention, that at this period there was a considerable probability of his speedily coming into office. His arguments on the Spanish, but more particularly on the Russian, armament, which remains to be noticed, had established his character throughout all Europe, without a shadow of competition, as the first statesman in the British empire; and the prejudices of the king, which had arisen from circumstances that it would be fruitless to investigate, had so far yielded to the general sense of the nation, that he had been heard to say, "he was not so wedded to Mr. Pitt, as not to be very willing to give his confidence

thrown out with a view of fixing a stain on his character; and this was to be done, because he was not such a bigot to the principles of monarchy, as

confidence to Mr. Fox, if the latter should be able, in a crisis like the present, to conduct the government of the country with greater advantage to the public." This declaration alarmed the wretched faction, so long the bane of this reign, which brought Mr. Pitt into power, and every engine was set at work to prevent the sovereign's gracious intentions regarding Mr. Fox from being carried into effect. It was artfully insinuated to his majesty, "that Mr. Fox was the last man in England to be trusted by a king, because he was by principle a *republican*, and consequently an enemy to monarchy." A confidential friend of Mr. Fox, who from his station in life had ample opportunities of gaining information, speaking on this subject in a "Letter to Mr. Fox," says, "I believe myself sufficiently impartial to have weighed, to a very scruple, the case as it stood between Mr. Burke and you. Indeed you were severely used. Forced into discussions on the subject of a revolution which then was but an experiment making by France on her own body; delivering yourself, when so forced, vehemently, it is true, and boldly, in favour of the general rights of mankind, but cautiously and prudently with regard to the operation of their principles in this country. I heard you, and your friends, and your views, and the public cause you had embraced, assimilated with all that was hateful, deformed, bloody, and ferocious in the anticipated French democracy. No distinction! no toleration! no memory of past services! but day after day you was brought down to the house of commons, in the face of an ungenerous adversary, and as a spectacle and sport for them, to be put on your defence, not as a criminal of an hour's detection, but as one whose life had been a series of perjuries and treasons, which the troubled conscience of one of his accomplices had engaged him to discover.—Speeches were made and circulated in your name, applauding what the framers of them *knew* you neither had approved, nor even read, the French constitution; which they accused you at the same time of wishing to introduce instead of our own.—Their argument was worthy of their cause—"*He who praises any change*," it was said, "*must approve of all the consequences to which that change may lead; and he who approves of those consequences, must mean to imitate them.*"

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as to believe that every government which had not that basis was wicked and mischievous. An attempt had been made to fix a jealousy on him as to his opinions on republicanism. Ministers feeling themselves at a loss to support their own conduct, and perhaps rightly thinking that it was a good military manœuvre, when pressed themselves, to carry the war into the enemy's country, seized on what he had said cursorily on the French revolution, and, by an apt misrepresentation, strove to make it a topic of popular libel. If, then, his right honourable friend had thought it necessary to state to the house his sentiments on the French revolution, he might have done it on any other occasion, with less injury to him than on the Quebec bill, because his doing it then confirmed and gave weight to the misrepresentations of the right honourable gentleman opposite to him,

By these pestilent sophistries, the high principle of your whole life was attacked. Your fame was undermined. The figure you had just made in the questions connected with our famous dispute with Russia, had finally set at rest all idea of rivalry with regard to powers (if indeed any such rivalry had ever existed) between you and your opponents. What in foreign courts had long been acknowledged, was at length listened to in this, and received universally by your countrymen. At the close of that dispute, you stood beyond compare our first and foremost man. I will venture to say, that from the date of that business, no person dreamt of pledging this country to foreign objects of any kind, much less to a war, without not only your full concurrence, but your efficient co-operation. All perishable! In little more than one short twelvemonth afterwards, with the intervention of no circumstance questionable either to your wisdom or your honour, these miserable arts had prevailed; the loud vehemence of anger joined itself to the "vermin whispers" of malignity; and he whose "word" but on the yesterday might have "stood against the world," was reviled, tumbled down, and trod upon—and none were found so poor to do him reverence."——*Part of a Letter from Robert Adair, Esq. to the Right Hon. C. J. Fox, p.* 10.

(Mr. Pitt,) and put it out of his power to answer him properly. He had asked his right honourable friend to postpone the discussion. He should not have thought it an improper request to make to an indifferent gentleman. It was due to any man in common candour; it was what he would have granted to any man; but that his right honourable friend should have persisted against his entreaty, gave him very sincere concern; indeed concern for which he could not find language. He made his request for the change of the season, but not for a remission of the design.

He was an enemy, Mr. Fox said, to tests of all kinds, political as well as religious, knowing them to be the weapons of men without principles; and that bad men made use of them to the oppression of the good and virtuous; that they stood indeed in no man's way, but of him who was conscientious. But much as he abhorred tests, he said, the opposite side of the house should always have his opinions, good or bad, advantageous to himself or the contrary, without the trouble of tearing asunder the bonds of friendship to obtain them. If he was to deliver a general opinion on the British constitution, he would only repeat the opinion which he had frequently given. In the theory of the British constitution he saw many evils. But in practice, it was the most perfect system ever formed; for in its practice it showed a correcting capacity, by which it secured the happiness of the people, by removing, or by softening the evils of the theory. Indeed the British constitution had been so much indebted to this practical principle, that it had grown through gradual improvements to its shape and beauty more than by its theory. If there were a paper submitted to him, and he were required to sign it, as the condition of his obtaining power, stating that the constitution of Great Britain, as it now stood, was in theory and practice the most perfect that ever

ever was formed, or that could be devised, he would disdain to sign it, because in his heart he believed it to be false. Could he sign such a paper, when the whole experience of his life had shewn him that the constitution was not only susceptible of, but was daily receiving improvement?

Mr. Fox then alluded to what lord Coke said of our constitution, that it was governed by the united law of ages, and capable of receiving every improvement that time could invent. That they had as yet formed but an imperfect constitution was no disgrace. The united wisdom of all the legislators that Greece, and Rome, and all the world ever produced, would be inadequate, in his opinion, to strike out at once a perfect and practical form of government. The British constitution was not struck out at once, but formed by the experimental wisdom of ages, by unremitting care, and a constant progression of improvements, or, if the expression pleased more, by a series of innovations, for every improvement must be to a certain extent an innovation. He had heard Mr. Burke himself admit that the British constitution was theoretically bad; but experience of happiness and prosperity under it, was the best possible proof of its practical goodness.

Was it not a singular thing, said Mr. Fox, that he should be assailed on the same day by his political friend, and his political enemy (Mr. Burke and Mr. Pitt,) two gentlemen, who had proposed two modes of reforming the constitution? The one had proposed to alter the representation of the people, and had failed: the other had proposed to diminish the influence of the crown, and had succeeded. He had had the good fortune to agree with them in both these innovations; and now they called on him

to declare that the constitution was perfect both in theory and practice, that it could not be altered without danger, and that he was a bad man if he attempted it. Was it expected that he should declare the constitution would have been more perfect or better without either of those two reforms? Would the right honourable gentleman say he was a bad man for having voted for both?—But because he had delivered his opinion on the French revolution, in terms perhaps little guarded, for in the natural heat of his temper, he said, he could not boast of that happy and prudent choice of words which his right honourable friend, with more fruitful eloquence, had so much at command; because he had done this, and granting even that he had been indiscreet and even warm, surely it did not deserve the epithets, the severe and pointed epithets which his right honourable friend had so profusely loaded him with. (Here he was interrupted by Mr. Burke, who said, he did not recollect any epithets.)—"My right honourable friend," said Mr. Fox, with great happiness of reply, "does not recollect the epithets; they are out of his mind; then they are completely and for ever out of mine. I cannot cherish a recollection so painful, and from this moment they are obliterated and forgotten."

Mr. Burke had said, that there was something in these discussions dangerous to the British constitution. Mr. Fox declared his own opinion to be the reverse of this. Discussion, in his mind, was equally favourable to political and to moral truth. It was with politics, as it was with religion and philosophy, discussion was the means by which the mind was satisfied; and by which, consequently, a nation was to be brought to the true felicity which springs from the conviction, that their condition is good upon comparison. He would punish no man, therefore, for thinking

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or for saying, that the British constitution was not so good as it might be made. But less would he think of arraigning any man, who seeing in the system of another nation, ideas that might be beneficial to this, suggested their incorporation. Every constitution was good in proportion as it was adapted to the circumstances and situation of the people for whom it was formed; and to say, that in every instance, and for every people, a constitution was good as it approached to, or departed from, the British frame, was an idea, he thought, which no man could entertain. For instance, if it should be thought wise, on the expiration of the charter of the East India company, that government should take into their own hands the territories in Asia, would it be conceived by any rational man, however he might admire the principles of the British constitution, that that constitution could be adapted to the genius, to the wants, or to the feelings, of the Hindu nation. Every constitution, to be good, must be adapted; and it was in his mind a presumption too much for man to say, that whenever a whole people differed from him in their ideas of what was best for their own comfort, their ideas must proceed from folly, and not from wisdom, from vice, and not from virtue. It was, said this undaunted assertor of human liberty, a new principle of bigotry and intolerance, which could not be equalled even by those who imposed religious tenets on the human mind, to deny to every people upon earth the right of thinking for themselves, to deny to them the exercise of that judgment, of which we ourselves claimed the free use, and to say, that if they dared to think and act for themselves, otherways than as we had set them the example, proved their folly and their vice! In the year 1780, it had been the opinion of that house, that "the influence of the crown had increased, was increasing, and ought to be diminished." The right honourable gentleman agreed to that resolution, and thus declared, that the constitution

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was not perfect without such reduction. Would he not grant to the French the same right that we had exercised? If the influence of the British crown, which consisted in the civil list, in the army, navy, and the power of giving places and honours, was so great as to be thought dangerous, what, in the eyes of reflecting Frenchmen, must have been the overweening influence of the crown of France? With a civil list ten times the amount of ours, with a navy almost as large, with an army tenfold, with a church more than tenfold, must they not, acting on the rights which we had exercised, pursue the course of diminishing its power? When, in addition to this, they had to deplore the horrid state of corruption and despotism into which the whole of their government had fallen, was it not right that they should strive to meliorate their condition, and to extricate themselves from slavery and wretchedness?

In reply to Mr. Burke's severe invectives against the *rights of man*, Mr. Fox contended that there were rights inherent in man, and coeval with his being, rights which no conquest could take from him, which no sophistry could with-hold, which no tyranny could extinguish, though it might stifle, and which the mind of man, that could not be enthralled even when the body was in fetters, would proudly maintain. These rights the French nation had exercised; but in their exercise of this inherent right, they had not, it seems, displayed perfect intelligence. He defied the collected wisdom of the human race to sit down and make a good government by choice. What was a good government? That which secured to every individual of a nation the greatest possible happiness; and how was this possible to the finite, narrow wisdom of man? How, but by a constant vigilance, by which they might gradually discover and provide the means of securing to him his happiness? Was our constitution a

fabric erected in one happy moment of wisdom, by the choice of the people? No such thing. We had improved it gradually. We had not arrogated to ourselves that knowledge, which, as his right honourable friend had said, alone belonged to the Deity; but, watching over the charge, we had improved as we had found out our insufficiency, and we would still improve, as we should still further see cause.

Mr. Fox reminded Mr. Burke, that his sentiments had not always been so favourable to monarchy as they then appeared. In the year 1783, when his majesty, on the loss of America, lamented in his speech the fate of the provinces, in being deprived of the advantages resulting from monarchy, his right honourable friend ridiculed the idea, and compared it to a man's opening the door, after he had left the room, and saying, "At our parting, pray let me recommend a monarchy to you."—Was there a man, Mr Fox asked, so narrow minded as to wish that human freedom, and consequently human happiness, should be confined to the soil of Britain? He hoped he had not such a fellow-creature! Why then talk of the French revolution in such degrading terms? Why talk of it as a shade to the splendor of Britain? If the right honourable gentleman really wished to set up a shade to the constitution of England, he would find it in the despotism of France which they had destroyed, instead of detailing the errors which their apprehensions of that despotism might have unnecessarily led them to. They who knew the extent of that horrid despotism dreaded its revival. "I fear this gunpowder Percy, even in death," seemed to be the language of the French. He confessed he thought unnecessarily; for it was overthrown, and all the pens, and all the swords of its defenders, could not revive it. But because, in a generous and manly consistency with our own free system, we rejoiced in the accession

accession of a new stock of liberty, did that imply that we preferred their constitution to our own? "No, sir," exclaimed Mr. Fox, "the gentlemen with whom I act love the constitution of our country on grounds which are independent of external circumstances. We love it for the experience of the felicity and dignity which it confers on our species, and we will maintain it. It is impossible that we should ever be reduced to the extremity of the course which the French have been obliged to take.

Mr. Fox repeated, that he had been unjustly and unfairly treated in the business; but he would not suffer it to step in between him and his friend. He would keep out of the way, he said, of his right honourable friend, until his temper, so easily warmed, might have leisure for reflection; and then, he trusted, they had some common friends, who loved them both, and who would eagerly exert their best offices to bring them back to the same cordiality which had been a source of so much happiness to him. He trusted that the quickness of temper, which led to momentary heat and exasperation, would be equally manifest in leading him back to dispositions more congenial with his nature. He had long known that there was in the nature of his friend, a zeal and enthusiasm, on every subject which engaged his faculties, and often led him to the confines of imprudence. It was a quality of blood which he had often secretly lamented, and which had sometimes induced him to yield points to him; but he found in the gentleness of his acknowledgements of error, an ample recompense for present distemper. He trusted that, in viewing the cause of the present dispute, he would recollect that they had been engaged in a systematic opposition to his majesty's ministers since the year 1784. Why? From a firm and sincere conviction that an act had been committed

committed at that time, which had violated the constitution; and which must be done away before, on their principles, they could think the people in safety.

A paper, said Mr. Fox, which would make the fame of some other men, but which, in the variety of his right honourable friend's productions, he might have forgotten, was on the journals of that house; his representation to the crown in 1784, in which he solemnly declared, that the act by which his majesty's present ministers had trampled on the country was dangerous to the people. Connect this with the clear and settled principles of the great and distinguished body to which they belonged, the whigs of England. It was the principles of that party to assert, and strictly to act by, the principles of the revolution, which, under the two first princes of the house of Brunswick, had carried the dignity and happiness of Englishmen to a pitch unrivalled in the annals of human kind. That party saw, in the commencement of the present reign, a disposition to depart from the conduct which made the two former reigns so glorious, and to make a greater use of the prerogative than had been attempted in the former period. But it was not until the year 1784 that they came openly to issue on the great constitutional point. At that memorable period, when the representatives of the people of England declared that they had not confidence in his majesty's ministers, the crown was advised to reply that it was his prerogative; and this stretch of the prerogative was practised successfully. By the fundamental principles, then, of the whigs of England, this displayed a power inconsistent with the well-being of the people, which required reform. Such, Mr. Fox appealed to Mr. Burke, were their mutual sentiments, and upon these they had acted. Were they consistent with the doctrine that the theory

and practice of the constitution were perfect? Mr. Fox concluded with making a beautiful application to a passage which, he said, he recollected, and which might be an affectation in the writer, but to his heart it was real. "One might bear to be ill-used and to be abused, by those on whom we had conferred favours, and who owed every thing to our kindness. It was a calamity which the mind might endure. The injustice and ingratitude of the world were old topics of reflection. But to be ill-used and abused by one who had previously won and engaged the soul by kindness, was an affliction for which a grateful heart had no balm."

Mr. Burke, unmollified by the concessions and tenderness of his friend, repeated his declaration that their friendship was at an end; and, in spite of all the endeavours that were subsequently used to bring about a reconciliation, persisted in his declaration to the last moments of his life.

On the 11th of May, the debate on the Quebec bill was resumed, and Mr. Fox took the opportunity of further explaining his sentiments respecting government. He had always been of opinion, he said, that there could be no good or complete system of government, without a proper mixture of monarchy, aristocracy, and democracy. They entirely misunderstood him who supposed he was an enemy to aristocracy. The contrary was the fact, for there was no man who considered a proper and well regulated aristocracy, such as formed a part of the British constitution, more essential to the formation of a good government than he did. a certain degree of aristocracy was absolutely necessary, as a poise between the prerogative of the crown, acting against the rights of the people, and the

the influence and liberty of the people, acting against the monarchical power; therefore a mixture so constituted, that each was a check upon the other, he conceived to be the best constitution in the world.

Having described what was the real and proper aristocracy that formed part of the British constitution, Mr. Fox proceeded to state, that no such aristocracy would be obtained in the proposed constitution for Canada; for where were there any who, from services, could claim the distinction of nobility in that province? He believed none, and therefore the institution of an aristocratical power in that country must be the work of time. A legislature might certainly create nobility, but no legislative power could command the respect, the prejudices, and the opinions of mankind, which attend, and ought ever to attend, a necessary aristocracy. The public gave respect to the actions of great men even after their death; and the reflection that the same virtue outlived the man, whose conduct was dedicated to its pursuit while in being, was a stimulus to his survivor, and created a laudable endeavour for its imitation. It was an honest advantage to be taken of the prejudices of mankind. This was, and he hoped would always be, the case in this country; but how could the aristocracy of Canada be of that description? Aristocracy should be connected to property, and consist of a nobility who, besides other respect and distinction that they possessed, should be independent of the monarch, being, in their best situation, a poise between the power of monarchy, and the excesses of democracy.

The minister, he said, affirmed that distinctions in society operated more powerfully on man than any lucrative acquisition. It was the medicine of the mind, which cured the evils resulting from the boldest enterprise, and

the gratified anxieties of ambition. How the right honourable gentleman (Mr. Pitt) could infuse these transcendent qualities into the breasts of his upstart nobility of Canada, remained for him to determine. All the affected omnipotence of an act of parliament could not ennoble the men alluded to, nor, when decorated with their paltry *insignia*, call forth their exertions to acts beyond mediocrity. This country might say, "You shall have a respectable nobility," but how the respectability was to be realised, he was utterly at a loss to conceive.

From what had fallen from him in a former debate, he had been accused, he said, of avowing, and wishing to inculcate, republican doctrines; but if it was supposed that he had ever, in speaking of the formation of this or any other government, said any thing that could lead people to suppose, that he was an enemy to the proper mixture of monarchy, aristocracy, and democracy, which he thought so requisite, as fundamental principles of solid and substantial good government, he hoped, he had now given his opinion, in a manner that would satisfy the house, and the country, what his real sentiments were on that subject.

In the course of this session, Mr. Fox added greatly to his high reputation for political sagacity, both at home and abroad, by his successful opposition to the frantic measures of the minister, which had so nearly involved the country in a war with Russia. On the 29th of March 1791, a message was delivered from his majesty to both houses of parliament, acquainting them, "that the endeavours which he had used in conjunction with his allies to effect a pacification between Russia and the Porte, having hitherto been unsuccessful, his majesty judged it requisite, in order to add weight to his representations, to make some further augmentation

ation of his naval force. When Mr. Pitt had moved an address, Mr. Fox rose, and declared, that when he first heard of the armament he could not believe it, so extravagant, as well as pernicious, did it seem. He had heard nothing to account for measures, which to him appeared so inexplicable. When gentlemen talked of the balance of power being a motive for arming, it should be shewn how that balance was endangered. When they called for armaments to prevent the aggrandisement of Russia (new as such a cause of alarm was to this country) they should shew whom she meant to attack. If any of the powers with whom we had defensive alliances were threatened, he would allow our interference to be proper; but not a syllable concerning the probability of such an attack. The former policy of this country towards Russia, it was scarcely necessary for him to state, as it was fresh in every one's recollection. During the former war between her and the Porte, we aided her in sending a fleet into the Mediterranean, and gave her the first opportunity of appearing as a naval power, in that quarter of the globe, and of establishing herself on the Black Sea. When she took possession of Cuban and the Crimea, in 1782, we conceived no alarm, and afterwards refused to accede to the proposition of France and Spain, to join them in preventing this addition to her dominions.—But our policy was now of a different nature indeed. Rumour held us out as the instigators of the war; but if even that were unfounded, it would at least be granted that we had taken no steps to prevent it; and now, when Russia wished to make a just and reasonable use of her successes in this war, to indemnify her past expense, and to secure herself from future attack, we oppose these moderate claims, and insist on her making peace on the unreasonable terms of her restoring all her conquests. It might perhaps be said, that the conduct of former ministers of this court towards Russia was impolitic and wrong; and that the present

present conduct towards her was politic and right. But was she not entitled to act on the faith of that former conduct, ignorant as she was of party predilections, and judging only of the great and leading policy of the nation? How much must she now be surprised, to hear that Britain, who had assisted her in sending her fleets to the Mediterranean, in establishing herself in the Black Sea, and who refused to oppose her possessing herself of the Crimea, was now jealous of that power she had helped to rear! "If you were jealous of my conquests," she might observe, "you ought to have prevented their being attacked." The house could not now be so unreasonable as to complain of her taking advantage of conquests, which were the consequence of her being attacked. "*In all interference with foreign nations,*" said this great statesman, "*justice is the best foundation of policy, and moderation is the surest pledge of peace.*"

But, continued Mr. Fox, neither in the policy of negociation, nor in the application of our power, have ministers acted with skill, or with effect. The defensive system which they say they adopted, they did not follow with consistency, otherwise it might have been easy, when they found the emperor, in the negociation of Reichenbach, disposed to peace; they had neglected the opportunity of securing the empress by the same means, and by the same arguments, which might then have been easily effected. Mr. Fox concluded with affirming, that an alliance with Russia appeared to him, the most natural and the most advantageous that this country could possibly form.

The question concerning the policy and expediency of the armament against Russia, was argued for the last time in the house of commons, May the 25th, in a debate on the state of the nation with respect to foreign

powers. The purport of the armament was, in Mr. Fox's opinion, to save the honour of the minister; but, he hoped, while the minister consulted his honour, the house of commons would consider the honour and the interest of the country. The minister was arming that he might recede from his propositions with more dignity,—as he thought, with greater shame. Ministers, after proving themselves bullies, had relinquished objects which they might have commanded, and lost opportunities which they might have improved. They ought not, he said, to continue the expenses of an armament, when every object of it was dead and gone. If ministers had persevered in their original intention, they ought, before now, to have acted upon it. If they saw the necessity of abandoning that intention, it would have been much more dignified to own their error, to acknowledge that they had formed an erroneous opinion of the interests of the country, and to avow to parliament, that they had changed their measures. But they would neither pursue their original intention, nor acknowledge that they had relinquished it. They were forced, by public opinion, to give up the purport of the armament; why not then relieve the country from the expense?

The house, Mr. Fox said, had been told, that, if ministers involved the country in an unjust and impolitic war, they might refuse to vote the money to support it. When might they do this? Suppose that the consequence of their measures should be an attack by Russia, (for an attack when a nation was menaced, was as justifiable a mode of attack as any other,) the country would be involved in a war on provocation given, and one campaign, at least, must pass, before parliament would have an opportunity of interposing. What then could they do? Finding a war commenced, could they refuse their aid to defend the country? Could they

they undo what the misconduct of ministers had already done? In that case they would be told that ministers were responsible. No doubt they were; and no doubt it would be wise to impeach and punish them as they deserved; but the punishment of a minister would be a poor compensation for the mischiefs of an impolitic and unnecessary war, however it might operate as an example to his successors. It was, therefore, not only the right, but the duty of the house, to interpose with their preventive wisdom, and to advise his majesty of the impending evil. Did they not know that if parliament had not been sitting in March, when his majesty's message was brought down to the house, the nation would have been at that moment involved in war? Was it not notorious, that the strong opposition of the minority of that house had been the means of preventing it?—They were now going to separate for the season. What security had they that the war would not be commenced before they met again? Ministers, he should be told, had changed their opinion! How had they changed it? Not on any reasoning or knowledge of their own; and when they were free from the restraint which compelled them to change it, how did the house know but that they would change again? What accounts were gentlemen to give their constituents of the armament? Were they to tell them that we had armed to enabled Prusia to take possession of Dantzic, a city of which Great Britain was a guarantee? They could not say that they had authorised an armament for so base a purpose. Were they to say that we had armed to give Oczakow to the Turks? Oczakow would not be restored; and they should have the shame of arming for a purpose which they could not effect.

It is scarcely to be doubted but that the minister would have involved the nation in a war with Russia, but for the strong opposition made to that

that measure in the house of commons, and the reluctance to it that was manifested by the people at large. Parliament met on the 31st of January 1792, and it appeared by the speech from the throne, that preliminaries of peace were agreed upon between the Porte and Russia, and that the former had consented to cede Oczakow. Mr. Fox, in reply to the arguments of those who moved and seconded the address, observed, that he was too dull to comprehend, how either the new or old line of demarcation between Russia and the Ottoman Porte could be of the least importance to this country; and neither for the new nor the old would he have hazarded the hundredth part of a British life, or the hundredth part of a British pound. It had been intimated that new circumstances arising, had induced the minister to recede from his original proposition. None, however, of these circumstances had been pointed out, though the discussions of the preceding session had been obviously alluded to. This Mr. Fox considered as the highest compliment that could be paid to the exertions of opposition, and as tending to secure to them the approbation and confidence of their constituents and their country. But it had been said that these discussions provoked the contest, and that but for them Russia would have yielded. That it would not have been the interest of Russia to contend at the hazard of a war, he was ready to admit; but that a government like that of Russia, not immediately under the control of public opinion, might have been impelled by resentment or obstinacy to resist, was no improbable supposition. In that case, what must have been the consequence, had not the minority in parliament, and the sense of the people interposed?—It required no moderate share of assurance for ministers to say to gentlemen who had supported their measures as wise and necessary, "That which you last session contended for as of the utmost importance, we have now aban-

doned as of none: will you have the goodness to move an address, approving of what we have done?"

With regard to the state of affairs in France, Mr. Fox said, he adhered to his former opinion, namely, "that the constitution of France was essentially bad, and therefore every thing was to be risked to destroy it; the constitution of England was essentially good; and therefore every thing was to be risked to preserve it." It was ridiculous to say that they who rejoiced in the destruction of the one, must wish for the ruin of the other. There was no similarity between them. They were as radically different as good and evil, as freedom and slavery, and never to be mentioned in the same terms, or any inference made from the one to the other.

Mr. Fox then adverted to the disgraceful riots which had occurred at Brimingham in the course of the summer, and expressed his surprise that no notice had been taken of them in the speech. It was impossible, he said, not to lament, that towards the close of the eighteenth century, men, instead of following the progress of knowledge and liberality, had revived the spirit and practice of the darkest ages. A lawless mob reigned triumphant for near a week in a rich and populous part of the country, and those, whose duty it was to have denounced the rigour of the law, addressed them rather in terms of approbation than rebuke. It would have been more honourable to ministers if they had advised his majesty to have spoken of such riots in the terms they merited, and of every attempt to suppress them with approbation.—They were not riots for bread, such as every feeling heart must pity while it condemned. Neither were they riots in the cause of liberty, which, though highly blameable, and highly

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to be reprobated by every good man, and every true friend to liberty, had yet some excuse in their principle. They were riots of men neither aggrieved nor complaining; but of men, who, assuming to themselves the office of the executive government, set on foot an indiscriminate persecution of an entire description of their fellow citizens, including persons as eminent for their ability, as blameless in their conduct, and as faithful in their allegiance, as this or any other country could boast of.

On the 27th of February, Mr. Whitbread moved a resolution of censure on the ministers for their conduct relative to the Russian armament. On this occasion Mr. Fox dwelt with much energy and effect on the folly and inconsistency of making Oczakow the very first object of negociation, and the disgrace of its subsequent abandonment. "Oczakow," said he, "was every thing by itself; but when ministers added to Oczakow the honour of England, it became nothing. Oczakow and honour weighed nothing in the scale. In the political arithmetic of ministers, honour is a *minus* quantity to be subtracted from the value of Oczakow."

In speaking of the causes of the armament, "What," said Mr. Fox, "was the right claimed by the minister to enter upon this dispute? I will answer, the right of a proud man to play a lofty part. France had gone off the stage, and now he resolved to boast and vapour, and play his antic tricks and gestures on the same theatre." After enumerating the evils of frequent armaments, Mr. Fox dwelt with peculiar pathos on the cruelty of impressing seamen. "I must lament," said he, "in common with every feeling mind, that unnecessary barbarity, which dragged men from their houses, deprived them of their liberty, and tore them from the

industrious exercise of those modes of life by which they earned support for their families, wantonly, cruelly, and without pretext."

"Half a million of money," continued Mr. Fox, "is spent, the people alarmed and interrupted in their proper pursuits by the apprehension of a war, and for what? For the restoration of Oczakow? No: Oczakow is not restored. To save the Turks from being too much humbled? No; they are now in a much worse situation than they would have been had we never armed at all. If Russia had persevered in that system of encroachment of which she is accused, we could then have assisted them unembarrassed. Now we are tied down by treaties, and fettered by stipulations: we have even guaranteed to Russia what we before said it would be unsafe for the Turks to yield, and dangerous to the peace of Europe for Russia to possess. This is what the public have got by the armament; what then was the private motive?

Scilicet, ut Turno contingat regia conjux,
Nos, animæ viles, inhumata, infletaque turba,
Sternamur campis.

"The minister gained, or thought he was to gain, an excuse for his misconduct; and to purchase this excuse, was the public money and the public quiet wantonly sacrificed. There are some effects, which, to combine with their causes, are almost sufficient to drive men mad. That the pride, the folly, the presumption of a single person, shall be able to involve a whole people in wretchedness and disgrace, is more than philosophy can teach mortal patience to endure. Here are the true weapons of the enemies of our constitution! Here we may search for the source of those

those seditious writings, meant either to weaken our attachment to the constitution, by depreciating its value, or that loudly tells us we have no constitution at all. We may blame, we may reprobate such doctrines; but while we furnish those who circulate them with arguments such as these; while the example of the times shews us to what degree the fact is true, we must not wonder if the purposes they are meant to answer be but too successful.

"They argue, that a constitution cannot be right where such things are possible, much less so when they are practised without punishment. This, sir, is a serious reflexion to every man who loves the constitution of England. Against the vain theories of men, who project fundamental alterations upon grounds of mere speculative objection, I can easily defend it; but when they recur to facts, and shew me how we may be doomed to all the horrors of war, by the caprice of an individual, who will not even condescend to explain his reasons, I can only fly to this house, and exhort you to rouse from your lethargy of confidence, into the active mistrust and vigilant control which is your duty and your office."

In the course of the session the subject of the slave trade was again brought before the house, and an insidious proposition was made by Mr. Dundas for its gradual abolition. This was strenuously opposed by Mr. Fox, who declared that he could not hear, without infinite uneasiness, any thing which indicated a regular plan for continuing and even authorising that detestable traffic for at least for a series of years, perhaps for ever. He deprecated, in strong terms, every deception and delusion on the country. Some gentlemen, in the course of the debate, had styled themselves

themselves moderate men; but for his part, Mr. Fox said, he neither felt nor wished to feel any thing like moderation on the subject. The question for the consideration of the house was simply this, whether they should authorize by law (respecting Africa) the commission of crimes which in this country would incur the severest penalties, and even the forfeiture of life in the most ignominious manner. Regulations, in this case, would be as disgraceful as they would be nugatory. One of the *moderate* gentlemen had proposed a premium for the transportation of females.—Was the kidnapper, asked the indignant orator, to be encouraged to lay a snare for the harmless maid, to snatch her from the arms of her lover or her parents; or to separate the wife from her husband and children? He should like to see the clause by which this inhuman measure was to be presented to the parliament of England; he should like to see the man capable of conceiving words to frame such a clause—Was there a gentleman in the house bold enough to support it?

With respect to the probability of other nations supplying the islands with slaves, a point which had been strongly urged by the enemies of the abolition, Mr. Fox said, he was decidedly of opinion, that the traffic had better be carried on by any nation than England. It had been objected that those parts of the evidence which bore most strongly against the slave trade, had been given by poor people: he was yet to learn that poverty and truth were incompatible. The names of lords Rodney and Macartney, and other persons of rank, had been mentioned, as favourable to the slave trade; but it was to be observed that they had spoken of the West Indies only; and had no knowledge of the enormities committed on the coast of Africa, or the horrors of the middle passage. All that they had said was purely negative; whereas the evidence of the other

persons, less affluent perhaps, and less dignified, was positive and uncontradicted.

As to the mode of procuring slaves, no gentleman had said that there was any thing like fairness in it, or had ventured to offer a single word in its vindication. The least disreputable mode of accounting for the supply would be to represent them as legally convicted of crimes; but when the numbers were considered, this pretence must fall to the ground. The whole number annually imported was stated to be about 80,000. Could such a number be supposed to be convicts? "Last session," said Mr. Fox, "we were cajoled, and taught to believe that something would be early brought forward. Have we not passed a year, and nothing has been done? Are we still to be deluded and betrayed? Why was not the system of moderation proposed then? Why were we not then entertained by the proposition for a gradual abolition?"

Mr. Fox then proceeded to a statement of facts: a black trader, he said, brought a girl to a slave ship for sale; some persons afterwards went on board and discovered who the trader was that sold her, and went and brought him to the ship, and sold him for a slave. "What (said the trader) do you buy me, grand trader?" "Yes, (replied the captain) I will buy you, or any one else if they will sell you." On the first view of this fact it appears a piece of barefaced villainy; but on examining the subject it is evidently a necessary consequence, flowing from the very nature of the trade. How could the captain know or decide who was the real owner of the girl? He had only given in that instance the same answer that he must give in every other. "I know not who has a right to sell, it is no affair of mine; if any one offers me a slave, my rule is to buy

buy and ask no questions."—Mr. Fox concluded with saying, that were the objects of the trade brute animals, no man ought to expose them to be treated with such wanton cruelty as was the case with the slaves; and were they wholly inanimate, no honest man would engage in a traffic founded manifestly on principles of injustice.

On the 30th of April, Mr. Grey gave notice of a motion, which he proposed to submit to the consideration of the house in the course of the next session, the object of which was, a reform in the representation of the people. Many of the greatest and most respectable characters in the country, he said, were declared advocates for a reform in the representation. Some of them, (alluding to Mr. Pitt,) indeed, had not of late come forward on the subject, but he hoped that was more owing to an apprehension of not succeeding in the project, than to any change of sentiments. He was of opinion that the necessity of such a measure existed now more than ever, that the general opinion was more in favour of it; and he thought also, that by a timely adoption of so salutary an expedient, many serious consequences might be avoided.—When Mr. Grey had concluded, Mr. Pitt rose with unusual vehemence, and declared his strong disapprobation of any agitation of the question of parliamentary reform at such a period. The times, he said, were materially different when he suggested a reform; a general opinion had then gone through the kingdom, that the country was reduced to poverty and distress—real grievances had existed—the opinion of the people was one way, and the opinion of parliament was another. The mischiefs complained of, and the ill opinion of the public, had since been removed; he could not therefore think, should he bring forward a similar motion for reform, especially when a dreadful lesson of revolution had just passed, that he should be

more

more successful, or that moderate men, who had before held back, should now support such a proposition.—He knew that there were certain men out of the house who were desirous to attack the constitution, but their numbers he did not believe to be great, and he was convinced that their force would be found trivial, whenever it should be opposed to the sound part of the constitution and its defenders. These new allies for reform, said the minister, betrayed themselves in their pamphlets, in which the revolution had been condemned, hereditary monarchy ridiculed—subordination and rank laughed at, and an endeavour made to impress on the minds of the public a wish to substitute for the happy constitution, a plan founded on what was absurdly called the *rights of man;* a plan which never existed in any part of the habitable globe, and which, if it should exist in the morning, must perish before night. To his last hour he would resist every attempt of this nature; and if he was called upon either to hazard this, or for ever to abandon all hopes of reform, he would say he had no hesitation in preferring the latter alternative.

Mr. Fox commenced an admirable reply to the minister by reminding the house, that he had never professed to be so sanguine on the subject of parliamentary reform as the right honourable gentleman; but, though less sanguine, he was more consistent. He had, early in his public life, first declared the necessity of a parliamentary reform, and remained to this hour convinced of that necessity; and the obvious reason was, that the proceedings of the house were sometimes at variance with the opinion of the public. In proof of the truth and justice of this sentiment, Mr. Fox said, it was only necessary to recur to a recent instance, the Russian armament. The declaration of the house of commons was, that we should proceed to hostilities: the declaration of the people was,

that we should not; and so strong was that declaration, that it silenced and overawed the minister, notwithstanding his triumphant majority. What was the consequence? that the people of England were paying the expence of an armament for which they never gave their consent, because their sentiments were not spoken within the walls of that house. It was the doctrine of implicit confidence in the minister that disgusted the people, a confidence not given to him from the experience of his probity and talents, but merely because he was minister.—The doctrine was, that the agent of the executive power, be he who he may, is entitled to confidence; and if he afterwards commits what is called a blunder, no enquiry shall be had into his conduct.

With regard to the other part of the minister's speech which related to the new allies for reform of his honourable friend, (Mr. Grey,) Mr. Fox said, he thought he might answer it completely by asking the right honourable gentleman, "Who will you have for your's? On our part there are infuriated republicans; on your's there are the slaves of despotism: both of them unfriendly perhaps to the constitution; but there was no comparison between them in point of real hostility to the spirit of freedom. The one, by having too ardent a zeal for liberty, lost sight of the true medium by which it was to be preserved; the other detested the thing itself, and are pleased with nothing but tyranny and despotism.

Upon the word *innovation*, Mr. Fox said, about which so much had been heard, he would repeat an observation he had uttered almost the first time he had addressed that house, namely—"That the greatest innovation that could be introduced in the constitution of England, was to come to a vote that there should be no innovation in it. In his opinion the

the greatest beauty of the English constitution was, that in its very principle it admitted of perpetual improvement."—Had his honourable friend consulted him, he should have hesitated in recommending the part he had taken; but having taken it, he could not see why the period was improper for the discussion. He professed, in strong terms, his admiration of the British constitution, but thought that Mr. Pitt asserted too much, when he held forth this country as the only state exempted from anarchy and despotism. In reply to this observation, Mr. Fox noticed America, and spoke in terms of approbation of the new constitution of Poland.

At this period an universal fermentation prevailed throughout the kingdom. The French revolution had heated the public mind to an inconceivable degree; and associations were every where formed for the purpose of procuring a reformation of the abuses that had crept into our own system of government. Never was political investigation pursued with so much boldness—with so much activity. The press teemed with publications in which the principles of government were freely examined, and the theoretical defects of certain parts of our own constitution severely exposed. These were either circulated gratis, or published at a low price so as to be accessible to the lower orders of the community; and as they were circulated throughout the country with great industry, so they were read with avidity, and made many converts to their doctrines. Some of these publications it must be confessed were extremely imprudent; but by far the greater part of them were not only innocent in their nature, but highly laudable in their tendency. They were, however, indiscriminately viewed with the utmost jealousy and alarm by the court, which, not content with secretly encouraging counter-associations, and publica-

tions of a far more dangerous tendency than any of the worst libels circulated by the friends of reform, publications in which the blasphemous doctrine of divine hereditary right, and other equally absurd and pernicious tenets of the same stamp were maintained, issued a strong proclamation against seditious meetings and publications.

This proclamation, which was understood to be chiefly directed against the popular pamphlet entitled the "Rights of Man," and the society known by the denomination of the "Friends of the People," was taken into consideration in the house of commons on the 25th of May, and an address of approbation and support was moved by the friends of the minister. In opposition to the address, it was said that if any writings had appeared, which ought not to have been published, his majesty's ministers ought to have prosecuted the authors, writers, or printers. That, in a general point of view, there ought to be a free circulation of opinions upon public affairs; but if there was any thing that involved the public safety, or threatened evil to the state, it was the duty of those who presided over the government to take notice of it, and it would then become a consideration of prudence, whether it was expedient to prosecute or not. Upwards of twelve months had elapsed since the publications now complained of made their appearance. What could the public think of the conduct of ministers, who had suffered these publications, which were said to be the bane of the public tranquillity, to poison the public mind for a whole year? What could be the motives that brought forward this sudden ardour to subdue disorder? Had it always manifested itself in the conduct of ministers? Was there any remarkable activity displayed in preserving order in the affairs of Brimingham, where there had been actual outrage and violence to the laws, to liberty, and to order?

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It was remarked, as one of the objects of the proclamation, that the sheriffs, justices of the peace, and all other officers of the police, were to make diligent enquiry in order to discover the authors and publishers of wicked and seditious writings.—In other words, a system of *espionage* was to take place, by order of the crown. The very idea was surprising as well as odious, that such a proclamation should issue from the sovereign of a free people, commanding such a system to be supported by spies and informers. An amendment to the address was moved, the object of which was to remove the alarm which the proclamation might create in the minds of his majesty's subjects, and to throw the blame upon ministers, if seditious writings were dispersed with impunity.

Mr. Fox said, from delicacy to friends, he would have wished he had not been obliged to deliver his sentiments on the occasion; but, lest improper ideas might go forth to the country with respect to his opinion, he thought himself bound to declare his disapprobation of a measure, which he termed impolitic, unwise, and alarming. He disapproved of it, because it was insidious and ambiguous. Was it directed against Mr. Paine's book, the author and publisher of which were well known? Why then desire to discover the author and publisher? If it had a direct purpose, why not directly and unequivocally state it? Why, but because it was the insidious intention to throw out such vague and unnecessary alarms, that they might make it speak a language different in the country from what they explained in the house of commons.

Mr. Fox next commented on the versatility of Mr. Pitt's conduct, in appearing at one time the great advocate for reform, and afterwards sternly discountenancing it. In preparing an expensive armament to obtain

tain Oczakow, and afterwards relinquishing that object. There was a passage, he said, which particularly struck him. The proclamation said, "that the prosperity of the country depends on a just confidence in the integrity and wisdom of parliament." What must reasonable men think of such an expression, coming from a ministry who had begun their career by declaring to the country, that they ought not to have any confidence in the wisdom and integrity of parliament? To give a true and consistent meaning to these words, there should be added, "as long as parliament shall act agreeably to the executive government." Mr. Fox concluded with lamenting the riots at Brimingham, and the unhappy divisions which pervaded the country upon trifling and speculative opinions, and which, he hinted, were fomented by the intolerant and uncharitable spirit of those who pretended to be the friends of government.

The libel bill introduced by Mr. Fox in the last session, the arguments on which were completely detailed in a former place, was again introduced by him in the course of the session, and passed into a law, notwithstanding the pertinacious opposition of some of the law lords. Considering the spirit of the times which ensued, and the disposition of ministers to construe into libel whatever reflected on their measures, the cause of liberty received no small aid by this seasonable exertion of Mr. Fox in its behalf.—No other discussions of importance took place in the course of this session, which closed on the 15th of June, with a speech from the throne, in which his majesty expressed to the two houses "his great concern at the actual commencement of hostilities in different parts of Europe, assuring them that his *principal care* would be to preserve to his people the uninterrupted blessings of peace."

However

However pacific the sentiments of ministers might have been at this period, they do not appear to have retained them long, for in the month of August the British ambassador was recalled from Paris; and on the 13th of December 1792, parliament was hastily convened, under an influence certainly very far from pacific. The king, in a speech from the throne, acquainted the two houses, that "he had judged it necessary to embody a part of the militia of the kingdom; that seditious practices prevailed in many parts, and a spirit of tumult and disorder (the natural consequences of such practices) had shewn itself in acts of riot and insurrection, which required the interposition of a military force in support of the civil magistrate.—"I have carefully observed," said the king, "a strict neutrality in the present war on the continent, and have uniformly abstained from any interference with respect to the internal affairs of France; but it is impossible for me to see, without the most serious uneasiness, the strong and increasing indications which have appeared there of an intention to excite disturbances in other countries, to disregard the rights of neutral nations, and to pursue views of conquest and aggrandisement, as well as to adopt towards my allies the States General measures which are neither conformable to the laws of nations, nor to the positive stipulations of existing treaties. Under all these circumstances, I have felt it my indispensable duty to have recourse to those means of prevention and internal defence, with which I am entrusted by law; and I have also thought it right to take steps for some augmentation of my naval and military force."

In the memorable debate which ensued on moving the address in answer to this speech, Mr. Fox exerted all the powers of his eloquence to dispel the infatuation which unhappily at this period had seized large majorities

jorities of both houses of parliament, and, there is reason to believe, the greater part of the community out of doors. Alluding to the portentous aspect of the times, and the circumstances under which parliament was assembled, "this," said Mr. Fox, "I consider not only as the most momentous crisis that I ever knew in the fate of this country, but that I ever read of in the history of this country:—a crisis not merely interesting to ourselves, and to our own condition, but to all nations and to all men:—that upon the conduct of parliament at this crisis, depends not merely the fate of the British constitution, but of doctrines which go to the happiness and well being of the whole human race. His majesty's speech is full of a variety of assertions; or perhaps I should not make use of the word assertions, without adding, that it has also a variety of insinuations conveyed in the shape of assertions, which must impress every man with the most imminent apprehension for the safety of every thing that is justly dear to Englishmen. It is our first duty to enquire into the truth of these assertions and insinuations so conveyed from the throne. I am sure I need not recur to the old parliamentary usage of desiring, that when I speak by name of the king's speech, I mean to be considered as speaking of the speech of the minister, since no one will impute to me the want of the most true and sincere respect for his majesty. It is to the speech which his majesty has been advised by his confidential servants to deliver from the throne, that I refer to. They are responsible for every letter of it, and to them, and them only, every observation is addressed. I state it therefore to be my firm opinion and belief, that *there is not one fact asserted in his majesty's speech which is not false—not one assertion or insinuation which is well founded.* Nay, I cannot be so uncandid as to believe, that even the ministers themselves think them true. This charge upon his majesty's ministers is of so serious a kind, that I do not pronounce it

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lightly, and I desire that gentlemen will go fairly into the consideration of the subject, and manifest the proper spirit of the representatives of the people in such a moment. The great prominent feature of the speech is, that it is an intolerable calumny on the people of Great Britain, an insinuation of so gross and black a nature, that it demands the most rigorous enquiry, and the most severe punishment. The next assertion is, that there exists at this moment an insurrection in this kingdom. An insurrection! Where is it? Where has it reared its head? Good God! an insurrection in Great Britain! No wonder that the militia were called out, and parliament assembled in the extraordinary way in which they have been; but where is it? Two gentlemen* have spoken in commendation and illustration of the speech; but yet, though the insurrection has existed for fourteen days, they have given us no light whatever—no clue, no information where to find it. The right honourable magistrate tells us, that in his high municipal situation he has received certain information which he does not think proper to communicate to us. This is really carrying the doctrine of confidence to a length indeed.—Not content with ministers leading the house of commons into the most extravagant and embarrassing situations, under the blind cover of confidence, we are now told that a municipal officer has information of an insurrection which he does not choose to lay before the commons of England, but which he assures us is sufficient to justify the alarm that has spread over the whole country. The honourable gentleman who seconded the motion tells us, that the "insurrections are too notorious to be de-

* Sir James Sanderson, lord-mayor of the city of London, who moved the address, and Mr. Wallace, who seconded the motion.

scribed." I will take upon me to say, that it is not the notoriety of the insurrections which prevents them from communicating to us the particulars, but their non-existence. The speech goes on in the same strain of calumny and falsehood, and says,—"the industry employed to excite discontents *on various pretexts*, and in different parts of the kingdom, has appeared to proceed from a design to attempt the destruction of our happy constitution, and the subversion of all order and government." I desire gentlemen to consider these words, and I demand of their honour and truth, whether they believe this assertion to be founded in fact. There have been, as I understand, and as every one must have heard, some slight riots in different parts, but I ask them, were not the various pretexts of these different tumults false, and used only to cover an attempt to destroy our happy constitution? I have heard of a tumult at Shields; of another at Leith; of some riot at Yarmouth, and of something of the same nature at Perth and Dundee. But I ask gentlemen if they believe that in each of these places the avowed object of the complaint of the people was not the real one—that the sailors of Shields, Yarmouth, &c. did not really want some increase of their wages, but were actuated by a design of overthrowing the constitution. Is there a man in England who believes this insinuation to be true? And in like manner of every other meeting, to which, in the present spirit, men may give the name of tumultuously assembling. I desire to know if there has been discovered any secret motive other than their open and avowed one. And yet, with this conviction in our minds, we are called upon to declare directly our belief that such things are so—we are called upon to join in the libel upon our constituents. The answer to the speech says, that we know of the tumult and disorder, but as to the actual insurrection, it more modestly makes us say, that "we are sorry to hear there is an insurrection."

"With

"With respect to the affairs of France, which make the next prominent passage in his majesty's speech, I do not desire to enter at much length into them, but I cannot conceal my sentiments on certain doctrines. It has been advanced as a proof that there exists a dangerous spirit in this country, that it was manifested "by the drooping and dejected aspect of many persons when the tidings of Dumourier's surrender arrived in England." Is this to be considered as a sign of discontent, and of a preference to republican doctrines—that men should droop and be dejected in their spirits, when they heard that the armies of despotism had triumphed over an army fighting for liberty?—If such dejection be a proof that men are discontented with the constitution of England, and leagued with foreigners in an attempt to destroy it, I give myself up to my country as a guilty man; for I freely confess that when I heard of the surrender or retreat of Dumourier, and that there was a probability of the triumph of the armies of Austria and Prussia over the liberties of France, my spirits drooped, and I was much dejected. Could any man who loves the constitution of England, who feels its principles in his heart, wish success to the duke of Brunswick, after reading a manifesto which violated every doctrine that Englishmen held sacred, which trampled under foot every principle of justice, humanity, freedom, and true government *, and

* Some idea may be formed of the spirit of this celebrated proclamation from the following passages.—"The inhabitants of towns, bourgs, and villages, who shall dare to defend themselves against the troops of their imperial and royal majesties, and to fire upon them, either in open country, or through half doors or windows of their houses, shall be punished instantly, according to the rigorous rules of war, or their houses shall be demolished or burned." "The city of Paris, and all its inhabitants, *without distinction*, shall be called upon to submit instantly and without delay to the king, and to set that prince at full liberty, &c.

and upon which the combined armies entered France, with the internal concerns of which kingdom they had no right to interfere? When he heard, or thought that he saw a probability of their success, could any man of true British feelings be other than dejected? I honestly confess that I never felt more sincere gloom and dejection in my life, for I saw in the triumph of that conspiracy not merely the ruin of liberty in France, but the ruin of liberty in England, the ruin of the liberty of man. But am I to be told that my sorrow was an evident proof of my being connected with the French nation, or with any person in that nation, for the purpose of aiding them in creating discontents in England, or in making any attempt to destroy the British constitution? If such conclusions were to be drawn from the dejection of those who are hostile to the maxims of tyranny, upon which the invasion of France was founded, what must we say of those men who acknowledge that they are sorry the invasion did not prosper? Am I to believe that all who confess their sorrow at the failure of the arms of Prussia and Austria, were connected with those courts, and that a considerable body of persons in this country were actually in the horrid league formed against human liberty? Are we taught to bring this heavy charge against all men whose spirits drooped

on pain of losing their heads, pursuant to military trial, *without hopes* of pardon, all members of the national assembly, of the department, of the district, of the municipality, of the national guards of Paris, justices of the peace, and others whom it may concern."——If the palace of the Thuilleries be forced, or the least outrage done to the king, queen, and the royal family, "they will inflict on those who shall deserve it, the most exemplary and ever memorable avenging punishments, by giving up the city of Paris to military execution, and exposing it to total destruction."—Some of the descendants of the duke of Brunswick feel the effects of this infuriated state paper at the present hour.

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on the reverse of the news, and when it turned out that it was not Dumourier, but the duke of Brunswick who had retreated? No; he would not charge them with being confederates with the invaders of France; nor did they believe, nor durst they believe, that the really constitutional men of England, who rejoiced on the overthrow of that horrid and profligate scheme, wished to draw therefrom any thing hostile to the established government of England.

"What are the doctrines that are desired to be set up by this insinuation of gloom and dejection? That Englishmen are not to dare to have any feelings of their own—that they must not rejoice but by rule—that they must not think but by order—that no man shall dare to exercise his faculties in contemplating the objects that surround him, nor give way to the indulgence of his joy or his grief in the emotions that they excite, but according to the instructions which he shall receive—that, in observing the events which happen to surrounding and neutral nations, he shall not dare to think whether they are favourable to the principles that contribute to the happiness of man, or the contrary; and that he must take not merely his opinions, but his sensations, from his majesty's ministers and their satellites for the time being."

In an eloquent apostrophe to the speaker, he exclaimed—"Whenever, sir, the time shall come, that the character and spirits of Englishmen are so subdued; when they shall consent to believe that every thing which happens around is indifferent both to their understandings and to their hearts; and when they shall be brought to rejoice and grieve, just as shall suit the taste, the caprice, or the ends of ministers, then I pronounce the constitution of this country to be extinct. We have read of religious persecutions—

secutions—of the implacable oppressions of the Roman see—of the horrors of the inquisition of Spain; but so obstinate, so hard, so intolerable a scheme of cruelty was never engendered in the mind, much less practised by any tyrant, spiritual or temporal. For see to what lengths they carry this intellectual oppression.—Under *various pretexts* there have been tumults and disorders, but the true design was to overturn the constitution—so says the speech,—and mark the illustration of the right honourable magistrate.—"There have been various societies established in the city of London, for the plausible purpose of merely discussing constitutional questions, but which were really designed to propagate seditious doctrines." So then, by this new scheme of tyranny, we are not to judge of the conduct of men by their overt acts, but to arrogate to ourselves at once the province and the power of the Divinity—we are to arraign a man for his secret thoughts, and to punish him because we choose to believe him guilty!—"You tell me, indeed," says one of these municipal inquisitors, "that you meet for an honest purpose, but I know better—your plausible pretext shall not impose upon me—I know your seditious purpose, and I will brand you for a traitor by my own proper authority."—What innocence can be safe against such a power? What inquisitor of Spain, of ancient or modern tyranny, can hold so lofty a tone?—There are doubtless speculative people in this country, who disapprove of the system of our government, and there must be such men as long as the land is free, for it is the very essence of freedom for men to differ upon speculative points.—Is it possible to conceive, that it should enter into the imaginations of freemen to doubt of this truth? The instant that the general sense of the people shall question this truth, and maintain that opinion should be held dependent on the will of ministers and magistrates, from that moment shall I date the extinction of our liberties as a people.

people.—Our constitution was not made, thank God, in a day—it is the result of progressive wisdom—it has grown up in a series of ages, and never, never has the guardian protecting genius of England been either asleep or satisfied——

> ——O, but man, proud man,
> Drest in a little brief authority,
> Plays such fantastic tricks before high heaven
> As makes the angels weep.——

" Now it seems the constitution is complete—now we are to stand still —we are to deride the wisdom and the practice of our forefathers—we are to elevate ourselves with the constitution in our hands, and to hold it forth to a wondering world as a model of human perfection.—" Away with all further improvement, for it is impossible—away with all further melioration of the state of man in society, for it is needless.—Let no man touch this work of man, it is like the work of Heaven, perfect in all its parts, and unlike any other work of man; it is neither capable of perversion, nor subject to decay."—Such is the presumptuous language that we hear; and not content with this haughty tone, they imitate the celebrated anathema of Lord Peter, in the Tale of a Tub, and exclaim, " G—d confound you to all eternity if you believe otherwise."

Alluding to the diminution which his popularity might sustain in consequence of his opposition to the measures of government, and to the extreme virulence with which his opinions were treated by those who were now generally known by the popular term of alarmists, and had associated in great numbers for the purpose of distributing pamphlets written

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on high monarchical principles, Mr. Fox said—"I may be abused and libelled, I may be branded with epithets of disgrace; but though I love popularity, and fairly own that there is no external reward so dear to me as the good opinion and confidence of my fellow citizens; yet no temptation of such a nature shall ever induce me to join any association that has for its object a change in the basis of our constitution, or an extension of any of these bases beyond their just proportion—I will stand in the gap, and oppose myself to all the wild projects of a new-fangled theory, as much as against the monstrous iniquity of exploded doctrines. I think the latter is more our present danger than the former. I see not merely in the panic of the timorous, but in the acts of the designing, cause for alarm against the most abhorrent doctrines. The new associations have acted with little disguise. One of them, I must applaud for the sincerity of its practice; Mr. chairman Reeves says, "that they will not only prosecute, but they will convince men," and they recommend, amongst other publications, a hand-bill entitled "A Pennyworth of Wit," in which among other odd things it is said, "*Have you not read the bible? Do you not know that it is there written that the king is the Lord's anointed?—But did you ever hear of his having anointed a republic?*"

In another part of his speech, alluding to this wretched effusion of loyalty, and to the misconduct of his majesty's ministers in recalling the British ambassador from Paris, he asked, "Why not have attempted to negociate with France?" And in a tone of triumphant ridicule proceeded, "Because, forsooth, France is an unanointed republic! Oh miserable, infatuated Frenchmen! Oh lame and inconsiderate politicians! Why, instead of breaking the holy vial of Rheims, why did you not pour some of the sacred oil on the heads of your executive council, that the pride

of states might not be forced to plunge themselves and you into the horrors of war, rather than be contaminated by your acquaintance? How short-sighted were you to believe, that the prejudices of infants had departed with the gloom of ignorance, and that states were grown up to a condition of manhood and reason!"

Adverting to the agitated state of the public mind, Mr. Fox said, "It may be asked, what I would propose to do in hours of agitation like the present? I will answer openly. If there is a tendency in the dissenters to discontent, because they conceive themselves unjustly suspected and cruelly calumniated, what should I do? I would instantly repeal the corporation and test acts, and take from them thereby all cause of complaint. If there were any persons tinctured with a republican spirit, because they thought that the representative government was more perfect in a republic, I would endeavour to amend the representation of the commons, and to prove that the house of commons, though not chosen by all, should have no other interest than to prove itself the representative of all. If men were dissatisfied in Scotland, or Ireland, or elsewhere, on account of disabilities or exemptions, of unjust prejudices, and of cruel restrictions, I would repeal the penal statutes, which are a disgrace to our law-books. If there were other complaints of grievance, I would redress them where they were really proved; but above all, I would constantly, chearfully, patiently listen.—I would make it known, that if any man felt, or thought he felt a grievance, he might come freely to the bar of this house, and bring his proofs. And it should be made manifest to all the world, that, where they did exist, they should be redressed; where not, it should be made manifest. If I were to issue a proclamation, this should be my proclamation: "If any man has a grievance, let him bring

it to the bar of the commons house of parliament, with the firm persuasion of having it honestly investigated." These are the subsidies I would grant to government."

Mr. Fox professed the strongest attachment to the British constitution.—"I love the constitution," said he, "as it is established; it has grown up with me as a prejudice, and as a habit, as well as from conviction. I know that it is calculated for the happiness of man, and that its constituent branches of king, lords, and commons, could not be altered or impaired without entailing on the country the most dreadful miseries. At the same time I do not think so highly of any institution, as to believe that it is incapable of being perverted. I think that we may be lulled asleep to our real danger by these perpetual alarms to loyalty, and that the great dread of increasing the power of the crown seems to be stifled, while we are insensibly degrading the power of the commons."

In the conclusion of this speech, Mr. Fox solemnly conjured the house not to involve the nation in so dreadful a calamity as war, without deep and serious enquiry, and moved an amendment to the address, declaring that "the house would immediately institute an enquiry into the causes which had occasioned them to be assembled in so alarming a manner."—After a debate of many hours, Mr. Fox's amendment unhappily was rejected by a large majority, 290 members voting with the minister against 50 who supported Mr. Fox.

Undismayed by this formidable majority, and in despite of the secession of his friends, and the diminution of his popularity, by alarms artfully fomented, Mr. Fox, on the report of the address being brought up, again

again earnestly besought the house to pause before they plunged the nation into hostilities, and with a prophetic spirit pointed out the evil consequences that were likely to ensue from a war with France. He blamed ministers for not having interposed to prevent the Austrian and Prussian armies from entering France, and argued that by a prudent negociation with those powers, we might have prevented the horrid scenes which were afterwards exhibited, and gained such an ascendancy in the councils of France, as would most probably have prevented any attack upon Holland.—If Holland was to be the ostensible cause of the war, he said, it was fit we should consider in what degree she would have it in her power to contribute to the support of it. Mr. Fox represented the disunited state of parties in Holland, and the odium of the stadtholder's government, as invincible obstacles to the vigorous prosecution of a war.

Proceeding next to the consideration of our domestic situation, "If, said Mr. Fox, "there exists a discontented or disaffected party at home, what can add so much to their numbers, or their influence, as a war, by increasing the public burthens till they become intolerable?—He wished that war, if possible, should be avoided; that negociation should precede hostility; and therefore he would move, the next day, an address to the king, praying that he would acknowledge the new government of France, send a minister to it, and receive one from it. A right honourable gentleman (Mr. Burke) had said, "Are we to receive an ambassador reeking with the blood of innocent men, and perhaps even that of the king of France?" In answer to this he should say, was not the republic of this country readily acknowledged in the time of Cromwell? Did not foreign courts vie in their civilities to our new government after the execution of Charles? an execution, whatever difference of opinion

there might be entertained about it, which had infinitely less injustice in it, than that which might perhaps be inflicted on the unhappy sovereign of France; but he hoped so foul a deed would not be perpetrated. He would consider it as an act that would for ever be a disgrace to their nation, and which every man must deplore; but still he could not think that we were never to have any connection with France. If ministers were resolved never to receive an ambassador from the French republic, he wished they would say so. He wished, if their objections to receive one at present were, that they knew not how to introduce a French minister into the king's drawing-room, they would fairly avow it, in order that the people of England might see that their blood and treasure were to be sacrificed to a *mere punctilio*.—He called upon gentlemen to recollect, that though it was once the courtly style to talk of *a vagrant congress*, of *one Adams*, of *Hancock and his crew*, the folly of such language was demonstrated, and Great Britain, in the end, had been obliged to acknowledge the sovereignty and independence of the United States of America. The same thing might happen with respect to the French republic, and therefore he thought it better that we should immediately send a minister to France, than perhaps after that event should have taken place, which he most earnestly deprecated, and which he should most heartily deplore (the execution of the king.) Mr. Fox concluded with moving that the following words be inserted in the address, "trusting that your majesty will employ every means of negociation, consistent with the honour and safety of this country, to avert the calamities of war *."

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* Mr. Fox, in his admirable Letter to the Electors of Westminster, published soon afterwards, speaking of this motion, says—

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Unfortunately the torrent of exaggerated alarm bore down the strength of Mr. Fox's arguments, and his motion was rejected. What the convictions of the majority on that occasion were, it is now useless to enquire, but of the sagacity and foresight of Mr. Fox's opponents some judgment may be formed from the bold prognostic of Mr. Dundas, who (in the absence of Mr. Pitt, who had vacated his seat in consequence of his being appointed lord warden of the Cinque Ports) might be considered as the organ of the cabinet in the house of commons, predicted (prescient statesman!) such was the dilapidated state of the finances of France compared with those of this kingdom, that, "*if we were forced into a war, it must prove successful and glorious!*"

On the following day (December 15, 1792) Mr. Fox moved "that an humble address be presented to his majesty, that his majesty will be graciously pleased to give directions, that a minister may be sent to Paris, to treat with those persons who exercise provisionally the functions of

"My motive in this instance is too obvious to require explanation; and I think it the less necessary to dwell much on this subject, because with respect to the desirableness of peace at all times, and more particularly in the present, I have reason to believe that your sentiments do not differ from mine. If we looked to the country where the cause of war was said principally to originate, the situation of the United Provinces appeared to me to furnish abundance of prudential arguments in favour of peace. If we looked to Ireland, I saw nothing there that would not discourage a wise statesman from putting the connection between the two kingdoms to any unnecessary hazard. At home, if it be true that there are seeds of discontent, war is the hot-bed in which these seeds will soonest vegetate; and of all wars, in this point of view, that war is most to be dreaded, in the cause of which kings may be supposed to be more concerned than their subjects."

executive

executive government in France, touching such points as may be in discussion between his majesty and his allies, and the French nation." Mr. Fox has left his own observations on this motion, and sad experience has proved their truth; it would therefore be as presumptuous in me to offer any of my own, as it would be superfluous for me to point out how fatally the apprehensions of this great statesman have been verified *.

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* In his LETTER to his constituents, Mr. Fox, after remarking that this motion, if he had been rightly informed, was that which had been most generally approved, says—

"It was made upon mature consideration, after much deliberation with myself, and much consultation with others; and notwithstanding the various misrepresentations of my motives in making it, and the misconceptions of its tendency, which have prepossessed many against it, I cannot repent of an act, which, if I had omitted, I should think myself deficient in that duty which I owe to you, and to my country at large.

"The motives that urged me to make it were, the same desire of peace which actuated me in the former motion, if it could be preserved on honourable and safe terms, and if this were impossible, an anxious wish that the grounds of war might be just, clear and intelligible.

"If we or our ally have suffered injury or insult, or if the independence of Europe be menaced by inordinate and successful ambition, I know no means of preserving peace but by obtaining reparation for the injury, satisfaction for the insult, or security against the design which we apprehend; and I know no means of obtaining any of these objects, but by addressing ourselves to the power of whom we complain.

"If the exclusive navigation of the Scheld, or any other right belonging to the States General, has been invaded, the French executive council are the invaders, and of them

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In the course of the debate on Mr. Fox's motion, it was asked what gentleman would submit to be ambassador to Paris—would he condescend to

we must ask redress. If the rights of neutral nations have been attacked by the decree of the 19th of November, the national convention of France have attacked them, and from that convention, through the organ by which they speak to foreign courts and nations, their minister for foreign affairs, we must demand explanation, avowal, or such other satisfaction as the case may require. If the manner in which the same convention have received and answered some of our countrymen, who had addressed them, be thought worthy notice, precisely of the same persons, and in the same manner, must we demand satisfaction on that head also. If the security of Europe, by any conquests made or apprehended, be endangered to such a degree, as to warrant us, on the principles as well of justice as of policy, to enforce by arms a restitution of conquests already made, or a renunciation of such as may have been projected, from the executive government of France, in this instance again, we must ask such restitution, or such renunciation. How all, or any of these objects could be attained, but by negociations, carried on by authorised ministers, I could not conceive. I knew indeed that there were some persons, whose notions of dignity were far different from mine, and who, in that point of view, would have preferred a clandestine, to an avowed negociation; but I confess I thought this mode of proceeding neither honourable nor safe; and, with regard to some of our complaints, wholly impracticable.—Not honourable, because, to seek private and circuitous channels of communication, seems to suit the conduct, rather of such as sue for a favour, than of a great nation, which demands satisfaction. Not safe, because neither a declaration from an unauthorised agent, nor a mere gratuitous repeal of the decrees complained of, (and what more could such a negociation aim at?) would afford us any security against the revival of the claims which we oppose; and lastly, impracticable with respect to that part of the question, which regards the security of Europe, because such security could not be provided for by the repeal of a decree, or any thing that might be the result of private negociation, but could only be obtained by a formal treaty, to which the existing French government must of necessity be a party; and I know of no means by which it can become a party to such a treaty, or to any treaty at all, but by a minister

to accept the post? In reply to this Mr. Sheridan observed, that from the commencement of the revolution he had been of opinion, that if there had

publicly authorised, and publicly received. Upon these grounds, and with these views, as a sincere friend to peace, I thought it my duty to suggest, what appeared to me, on every supposition, the most eligible, and, if certain points were to be insisted upon, the only means of preserving that invaluable blessing.

"But I had still a further motive; and if peace could not be preserved, I considered the measure which I recommended as highly useful in another point of view. To declare war, is, by the constitution, the prerogative of the king; but to grant or withhold the means of carrying it on, is (by the same constitution) the privilege of the people, through their representatives; and upon the people at large, by a law paramount to all constitutions—the law of nature and necessity, must fall the burdens and sufferings, which are the too sure attendants upon that calamity. It seems therefore reasonable that they, who are to pay, and to suffer, should be distinctly informed of the object for which war is made, and I conceived nothing would tend to this information so much as an avowed negociation; because from the result of such a negociation, and by no other means, could we, with any degree of certainty, learn, how far the French were willing to satisfy us in all, or in any of the points, which have been publicly held forth as the grounds of complaint against them.—If in none of these any satisfactory explanation were given, we should all admit, provided our original grounds of complaint were just, that the war would be so too:—if in some, we should know the specific subjects upon which satisfaction was refused, and have an opportunity of judging whether or not they were a rational ground of dispute:—if in all—and a rupture were nevertheless to take place, we should know that the public pretences were not the real causes of the war.

"In the last case which I have put, I should hope that there is too much spirit in the people of Great Britain, to submit to take a part in a proceeding founded on deceit; and in either of the others, whether our cause were weak or strong, we should at all events escape that last of infamies, the suspicion of being a party to the duke of Brunswick's

had been a *statesman-like* administration, they would have considered the post of minister at Paris as the situation which demanded the first and ablest

wick's manifestos. But this is not all. Having ascertained the precise cause of war, we should learn the true road to peace; and if the cause so ascertained appeared adequate, that we should look to peace through war, by vigorous exertions and liberal supplies: if inadequate, the constitution would furnish us abundance of means, as well through our representatives, as by our undoubted right to petition king and parliament, of impressing his majesty's ministers with sentiments similar to our own, and of engaging them to compromise, or, if necessary, to relinquish an object, in which we did not feel interest sufficient to compensate us for the calamities and hazard of a war.

"To these reasonings it appeared to me, that they only could object with consistency, who would go to war with France on account of her internal concerns; and who would consider the re-establishment of the old, or at least some other form of government, as the fair object of the contest. Such persons might reasonably enough argue, that with those whom they are determined to destroy, it is useless to treat.

"To arguments of this nature, however, I paid little attention; because the eccentric opinion upon which they are founded was expressly disavowed both in the king's speech and in the address of the two houses of parliament: and it was an additional motive for rejecting my motion, that if carried, it might be the occasion of bringing [illegible] and separating distinctly those who maintained and [illegible] from different motives (whatever they might be) were disinclined to my proposal.

"But if the objections of the violent party appeared to me extravagant, those of the [illegible] wholly unintelligible. Would they make and continue war, till they can force France to a counter revolution? No; this they disclaim. What then is to be the termination of the war to which they would excite us? I answer confidently, that it can be no other than a negociation, upon the same principles and with the same

ablest talents in the country. Happy he believed it would have been for both countries, and for human nature itself, if such had been the opinion of

men as that which I recommend. I say the same principles, because after war peace cannot be obtained but by treaty, and treaty necessarily implies the independency of the contracting parties. I say the same men, because though they may be changed before the happy hour of reconciliation arrives, yet that change, upon the principles above stated, would be merely accidental, and in no wise a necessary preliminary to peace: for I cannot suppose that those who disclaim making war *for* a change, would yet think it right to continue it *till* a change; or, in other words, that the blood and treasure of this country, should be expended in a hope that—not our efforts—but time and chance may produce a new government in France, with which it would be more agreeable to our ministers to negociate with than the present. And it is further to be observed, that the necessity of such a negociation will not in any degree depend upon the success of our arms, since the reciprocal recognition of the independency of contracting parties is equally necessary to those who exact and those who offer sacrifices for the purpose of peace. I forbear to put the case of ill-success, because to contemplate the situation to which we, and especially our ally, might in such an event be placed, is a task too painful to be undertaken but in a case of the last necessity. Let us suppose therefore the skill and gallantry of our sailors and soldiers to be crowned with a series of uninterrupted victories to lead us to the legitimate object of a just war, a safe and honourable peace. The terms of such a peace (I am supposing that Great Britain is to dictate them) may consist in satisfaction, restitution, or even by way of indemnity to us or to others, in cession of territory on the part of France. Now that such satisfaction may be honourable, it must be made by an independent power, competent to make them. And thus our very successes and victories will necessarily lead us to that measure of negociation and recognition, which, from the distorted shape in which passion and prejudice represent objects to the mind of man, has by some been considered as an act of humiliation and abasement.

"I have reason to believe there are some who think my motion unexceptionable enough in itself, but ill-timed. The time was not in my choice. I had no opportunity of making

of government in this country, and highly as he valued Mr. Fox, unparalleled as he thought his talents were, he should not have hesitated to have

making it sooner; and, with a view to its operation respecting peace, I could not delay it. To me, who think that public intercourse with France, except during actual war, ought always to subsist, the first occasion that presented itself, after the interruption of that intercourse, seemed of course the proper moment for pressing its renewal. But let us examine the objections upon this head of time in detail. They appeared to me to be principally four—

"1st. That by sending a minister to Paris at that period, we should give some countenance to a proceeding (the trial of Louis XVI,) most unanimously and most justly reprobated, in every country of Europe.

"To this objection I need not, I think, give any other answer, than that it rests upon a misconception. For by sending a minister we pay some compliment, implying approbation, to the [illegible] to whom we send him; an opinion which, for the honour of the country, I need not point to any authority to controvert. We had a minister at Versailles, when Louis was living, and we lived. We had ministers at the German courts, at the time of the infamous partition of Poland. We have generally an accredited consul, who acts as a minister to the piratical republic of Algiers, and we have more than once sent embassies to the tyrant of Morocco, reeking from the blood through which he rode to the throne, by the murder of his parents and brethren. He had waded to their thrones. In none of these instances was any [illegible] expressed by us, or even to be inferred by which power we had been accustomed, or to the manner in which it had been exercised.

"2dly. That a recognition might more properly take place at the end, and as the result of a private communication, and (in the phrase used upon a former occasion) as the price of peace, than gratuitously at the outset of a negociation.

"I cannot help suspecting, that they who urge this objection have confounded the

have declared, that as minister at Paris there was scope and interest for the greatest mind that ever warmed a human bosom. The French had been uniformly partial, and even prejudiced, in favour of the English people. What manly sense, what vigorous intellect, what generous feelings,

present case with the question, formerly so much agitated, of American independence. In this view they appear to me wholly dissimilar.—I pray to God that, in all other respects, they may prove equally so. To recognise the Thirteen States, was in effect to withdraw a claim of our own, and it might fairly enough be argued that we were entitled to some price or compensation for such a sacrifice. Even upon that occasion, I was of opinion that a gratuitous and preliminary acknowledgment of their independence was most consonant to the principles of magnanimity and policy; but in this instance we have no sacrifice to make, for we have no claim; and the reasons for which the French must wish an avowed and official intercourse, can only be such as apply equally to the mutual interest of both nations, by affording more effectual means of preventing misunderstandings, and securing peace.

"I would further recommend to those who press this objection, to consider whether, if recognition be really a sacrifice on our part, the ministry have not already made that sacrifice, by continuing to act upon the commercial treaty as a treaty still in existence. Every contract must be at an end when the contracting parties have no longer any existence either in their own persons or by their representatives. After the 10th of August the political existence of Louis XVI, who was the contracting party in the treaty of commerce, was completely annihilated. The only question therefore is, Whether the executive council of France did or did not represent the political power so annihilated? If we say they did not, the contracting party has no longer any political existence either in his person or by representation, and the treaty becomes null and void. If we say they did, then we have actually acknowledged them as representatives (for the time at least) of what was the executive government in France. In this character alone do they claim to be acknowledged, since their very style describes them as a provisional executive council and

ings, communicating with them might have done, it was not easy to calculate: but the with-holding all these from that nation in our hollow neutrality,

and nothing else. If we would preserve our treaty we could not do less; by sending a minister we should not do more*.

"3dly. That our ambassador having been recalled, and no British minister having resided at Paris, while the conduct of the French was inoffensive with respect to us and our ally, it would be mortifying to send one thither, just at the time when they began to give us cause of complaint.

"Mortifying to whom? Not certainly to the house of commons, who were not a party to the recal of lord Gower, and who, if my advice were followed, would lose no time in replacing him. To the ministers possibly †; and if so, it ought to be a warning to the house, that it should not, by acting like the ministers, lose the proper, that is, the first opportunity, and thereby throw extrinsic difficulties of its own creation in the way of a measure, in itself wise and salutary.

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* Mr. Fox adds the following note to this passage. "If my argument is satisfactory, I have proved that we have recognised the executive council; and it is notorious, that through the medium of M. Chauvelin we have negociated with them. But although we have both negociated and recognised, it would be dishonourable, it seems, to negociate in such a manner as to imply recognition. How nice are the points upon which great businesses turn! How remote from vulgar apprehension!"

† "I do not think it would have been mortifying even to them, because in consequence of the discussions which had arisen, a measure which had been before indifferent might become expedient; but as this point made no part of my consideration, I have not thought it incumbent upon me to argue it."

"4thly,

trality, was an evil which could never be sufficiently lamented.—Unhappily for the nation all the warnings of the opposition were fruitless; and so predominant

"4thly. That by acting in the manner proposed we might give ground of offence to those powers, with whom, in case of war, it might be prudent to form connection and alliance.

"This objection requires examination. Is it meant that our treating with France in its present state will offend the German powers, by showing them that our ground of quarrel is different from theirs? If this be so, and if we adhere to the principles which we have publicly stated, I am afraid we must either offend or deceive, and in such an alternative I trust the option is not difficult.

"If it be said, that, though our original grounds of quarrel were different, yet we may, in return for the aid they may afford us in obtaining our objects, assist them in theirs of a counter revolution, and enter into an offensive alliance for that purpose.—I answer, that our having previously treated would be no impediment to such a measure. But if it were, I freely confess that this consideration would have no influence with me; because such an alliance, for such a purpose, I conceive to be the greatest calamity that can befall the British nation: for let us not attempt to deceive ourselves; whatever possibility or even probability there may be of a counter-revolution, from internal agitation and discord, the means of producing such an event by external force can be no other than the conquest of France. The conquest of France! O! calumniated crusaders! how rational and moderate were your objects! O! much injured Louis XVI. upon what slight grounds have you been accused of restless and immoderate ambition! O! tame and feeble Cervantes, with what a timid pencil and faint colours have you painted the portrait of a disordered imagination!

"I have now stated to you, and I trust fairly, the arguments that persuaded me to the course of conduct which I have pursued. In these consists my defence, upon which

predominant was the rage for war, that Mr. Fox's motion was negatived without the formality of a division.

When information was received of the determination of the national convention to bring the unfortunate Louis XVI. to trial, Mr. Fox took an early opportunity of expressing his sense of the injustice, cruelty, and pu-

you are to pronounce; and I hope I shall not be thought presumptuous, when I say, that I expect with confidence a favourable verdict.

"If the reasonings I have adduced fail of convincing you, I confess indeed that I shall be disappointed, because to my understanding they appear to have more of irrefragable demonstration than can often be hoped for in political discussions; but even in this case, if you see in them probability sufficient to induce you to believe that, though not strong enough to convince *you*, they, and not any sinister or oblique motives, did in fact actuate *me*, I have still gained my cause; for in this supposition, though the propriety of my conduct may be doubted, the rectitude of my intentions must be admitted. Knowing therefore the justice and candour of the tribunal to which I have appealed, I wait your decision without fear—your approbation I anxiously desire, but your acquittal I confidently expect.

"Pitied for my supposed misconduct by some of my friends, openly renounced by others, attacked and misrepresented by my enemies,—to you I have recourse for refuge and protection; and conscious, that if I had shrunk from my duty, I should have merited your censure, I feel equally certain, that by acting in conformity to the motives which I have explained to you, I can in no degree have forfeited the esteem of the city of Westminster, which it has so long been the first pride of my life to enjoy, and which it shall be my constant endeavour to preserve.

"C. J. FOX."

"South-Street, Jan. 26, 1793.

sillanimity

sillanimity of the measure, and suggested that an unanimous address of the two houses of parliament, expressing their abhorrence, and that of the country in general, of such a proceeding, would have a decisive influence with persons of all descriptions in France. Such a step might have averted the fate of the unhappy Louis; but it was held by the minister to be incompatible with the dignity of England to solicit any thing from France, and Mr. Fox's suggestion passed unregarded.

In a few days intelligence was received of the execution of the king of France, and a message was communicated from his majesty, acquainting the two houses of parliament that he had directed the French ambassador to quit the kingdom, and at the same time informing them that he had judged it expedient to make a further augmentation of his forces by sea and land. Mr. Fox, on the motion for an address, (Feb. 1, 1793,) again besought the house not rashly to plunge the nation into the calamities of war. The vile calumnies and misrepresentations which had been industriously propagated to his disadvantage, would not, he said, intimidate him from the public avowal of his sentiments. Never had he known a period in which the duties of his station bound every man more strongly to deliver his sentiments openly and firmly. Never was there a time when it was more essential for a man to speak out.—Believing, as he did, that the service in which he was employed was a service of honour; that it required much diligence to discharge his duty faithfully to his constituents; and that he was not placed there as the representative of Westminster alone, but as representative for the nation at large; the people of England had a right to know the political doctrines by which he was actuated. He had been represented as friendly to the introduction of French principles. Such an infamous assertion excited his indignation, convinced as he was, that

that every effort had been used on his part to avert the calamities in which we were about to be involved. He had been misrepresented and calumniated; but if misrepresentation and calumny were to deter him from delivering opinions because they might be unpopular—from deprecating a war with France, as an evil to be avoided by every possible means consistent with the honour and safety of us and our allies, he should basely desert his trust to his constituents and to his country.

The crimes, the murders, and the massacres which had been committed in France, no man viewed with more horror than he did, though he did not think proper to make them the perpetual theme of declamation. He considered the execution of the king an act as disgraceful as any that history records. Revenge being unjustifiable, and punishment useless, where it could not operate either by way of prevention or example, he viewed with detestation the injustice and inhumanity with which that unhappy monarch had been treated. Not only were the rules of criminal justice, rules that more than any other ought to be strictly observed, violated; not only was he tried and condemned, without any existing law to which he was personally amenable, and even contrary to laws which did actually exist; but the degrading circumstance of his imprisonment, the unnecessary and insulting asperity with which he had been treated, the total want of republican magnanimity in the whole transaction, (for it could be no offence to say that there might be such a thing as magnanimity in a republic) added every aggravation to the inhumanity and injustice of his sentence. But having made this declaration as the genuine expression of his feelings and his reason, Mr. Fox said, he saw neither propriety nor wisdom in the house passing judgment on any act committed by another nation, which had no direct reference to us. The general

maxim of policy always was, that the crimes committed in one independent state were not cognizable in another. What had been our conduct on other occasions? Had we not treated and even formed alliances with Portugal and with Spain, at the very time when those kingdoms were disgraced and polluted by the most shocking and barbarous acts of superstition and cruelty, of racks, torture, and burning, under the abominable tyranny of the inquisition? Did we ever make these outrages against reason and humanity a pretext for war? Did we ever enquire how the princes with whom we have relative interests either obtained or exercised their power? Why then were the enormities of the French in their own country held up as a cause of war?

Much of these enormities, Mr. Fox said, had been attributed to the attack of the combined powers; but that he neither considered as an excuse, nor would argue as a justification. If they dreaded, or had felt an attack, to retaliate on their fellow-citizens, however much suspected, was a proceeding which justice disclaimed; and he had flattered himself, that when men were disclaiming old, and professing to adopt new principles, those of revenge and persecution would be the first that they would discard.—No man felt greater horror at the proceedings of the combined powers than he did. A combination more dangerous to the tranquillity of Europe, and the liberties of mankind, had never been formed. It had been said, that Austria was not the aggressor in the war with France. Had those who said so seen the treaty of Pilnitz? Let them look to that declaration, take the golden rule of supposing themselves in the situation of the French, and judging of others as they would wish to be judged, say whether or not the French had been the aggressors. But whatever might be thought of Austria, was the king of Prussia attacked by France?

Were his territories menaced or his allies insulted? Had he not been completely the aggressor, he would have called upon us as his allies for succour; no such call had ever been made—a proof that he never considered himself but as engaged in an offensive war.—What were the principles of these combined powers? They saw a new form of government establishing in France, and they agreed to invade the kingdom, to mould its government according to their own caprice, or to restore the despotism which the French had overthrown. Was it for the safety of English liberty, that if we should make any change in our form of government or constitution, and that change should be disagreeable to foreign powers, they should be considered as having a right to combine, and replace what we had rejected, or give us any thing in its room, by fire and sword? He would not go over the atrocious manifestoes that proceeded and followed the march of the combined armies. There was not a man in the house, or at least but one, (Mr. Burke,) who would attempt to defend them. But these it seems were not to be executed—he hoped they were not; but the only security he knew of was, that those who issued them had not the means.

Mr. Fox then proceeded to examine the alledged grounds of the war. These, he said, were three—the danger of Holland;—the decree of the French convention Nov. 19,—and the general danger to Europe from the progress of the French arms.—With respect to Holland, the conduct of ministers afforded a fresh proof of their disingenuousness. They did not state that the Dutch had called upon us to fulfil the terms of our alliance. They were obliged to confess that no such requisition had been made.

The decree of the 19th of November Mr. Fox considered as an insult, and the explanation of the executive council as no adequate satisfaction; but he contended that the explanation showed that the French were not disposed to insist upon that decree, and that they were inclined to peace; and surely it was the extreme of arrogance for ministers to complain of insult, without deigning to state the nature of the reparation required. When it was said we must have *security*, we ought at least to tell them what that word was meant to import. It had been said, they must withdraw their troops from the Austrian Netherlands, before we could be satisfied. Were we then come to that pitch of insolence as to say to France, "You have conquered part of an enemy's territory who made war upon you, but we require you to abandon the advantages you have gained, while he is preparing to attack you anew." Was this the neutrality we meant to hold out to France? "If you are invaded and beaten, we will be quiet spectators; but if you hurt your enemy, if you enter his territory, we declare war against you." We perceived no danger in the success of despotism, but the moment the opposite cause became successful, our alarms were extreme. The French said they would evacuate Brabant at the conclusion of the war, and when its liberties were established. Was this sufficient? By no means; but we ought to tell them what we would deem sufficient. That war was unjust which told not an enemy the ground of provocation, and the measure of atonement,—it was as impolitic as it was unjust, for without the object of contest was clearly and definitively stated, what opening could there be for treating of peace? Before going to war with France, surely the people who must pay and suffer, ought to be informed on what object they were to fix their hopes for its honourable termination.

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With respect to the general danger of Europe, the same arguments applied, and to the same extent. To the general situation and security of Europe we had been scandalously inattentive; we had seen the entire conquest of Poland, and the invasion of France with such marked indifference, that it would be difficult now to take it up with the grace of sincerity; but even this would be better provided for, by proposing terms before going to war.

After he had thus shewn that none of the professed causes were legitimate grounds for going to war, Mr. Fox asked, what then remained but the *internal* government of France, always disavowed, but constantly kept in mind? The destruction of that government was the avowed object of the combined powers whom it was hoped we were to join; and we could not join them heartily, if our object was one thing while theirs was another. To this then we came at last, that we were ashamed to own engaging to assist in the restoration of despotism, and collusively sought pretexts in the Scheldt and the Netherlands. Such would be the real cause of the war, if a war we were to have—a war, which he trusted, he should soon see as generally execrated as it was now thought to be popular. He knew that for this wish he should be represented as holding up the internal government of France as an object for imitation. He thought the present government of France nothing less, but he maintained as a principle inviolable, that the government of every independent state was to be settled by those who were to live under it, and not by foreign force.

In all decisions on peace or war, it was of importance, Mr. Fox said, to consider what we might lose, and what we might gain. Extension of territory

territory was neither expected nor eligible. On the other hand, would any man say that the events of war might not, with too great probability, produce a change in the internal state of Holland, and in the political situation of the Stadtholder, too afflicting for him to anticipate?—Was the state of Ireland such as to render war desirable? This was said by some to be a subject too delicate to be touched upon; but he approved not of that delicacy which taught men to shut their eyes to danger. He thought the state of Ireland alarming, because the gross misconduct of administration had brought the government and legislature into contempt in the eyes of the people. He hoped the plan to be pursued would be conciliatory, that concession to the claims of the people would be deemed wisdom, and the time of danger, contrary to the maxims of policy hitherto adopted, the fit season for reform.

The people of this country, Mr. Fox said, loved the constitution; they had experienced its benefits, and were attached to it from habit. Why put their love to any unnecessary test? That love by being tried could not be made greater, nor would the fresh burthens and taxes, which war must occasion, more endear it to their affection. If there were any danger from French principles, as some gentlemen seemed to apprehend, to go to war without necessity would be to fight for their propagation. On these principles he would deliver his opinion freely. It was not the principles which were bad and to be reprobated, but the abuse of them. From the abuse, not from the principles, had flowed all the evils that afflicted France. The effect of the address was to condemn not the abuse of those principles, and the French undoubtedly had grossly abused them, but the principles themselves. To this he could not consent, for they were the principles on which all just and equitable governments were founded.

founded. He had already differed sufficiently with a right honourable gentleman (Mr. Burke) on this subject, not to wish to provoke any fresh difference; but even against so great an authority he would not hesitate to maintain, that *the people are the sovereign in every state, that they have a right to change the form of their government, and a right to cashier their governors for misconduct, as the people of this country cashiered James II, not by a parliament, or any regular form known to the constitution, but by a convention speaking the sense of the people; that convention produced a parliament and a king. They elected William to a vacant throne, not only setting aside James whom they had justly cashiered for misconduct, but his innocent son. Again they elected the house of Brunswich, not individually, but by dynasty; and that dynasty to continue while the terms and conditions on which it was elected were fulfilled, and no longer.* He could not admit the right to do all this but by acknowledging the sovereignty of the people as paramount to all other laws. But it was said, that although we had once exercised this power, we had in the very act of exercising it renounced it for ever. To this he should reply, we had neither renounced it, nor, if we had been so disposed, was such a renunciation in our power. *We elected first an individual, then a dynasty, and lastly passed an act of parliament, in the reign of queen Anne, declaring it to be the right of the people of this realm to do so again, without even assigning a reason.* If there were any persons among us, who doubted the superiority of our monarchical form of government, their error was owing to those who changed its strong and irrefragable foundation in the right and choice of the people, to a more flimsy ground of title. Those who proposed repelling opinions by force, the example of the French in the Netherlands might teach the impotence of power to repel or to introduce. How was the war to operate in keeping opinions, supposed dangerous, out

of

of the kingdom? It was not surely meant to beat the French out of their own opinions—and opinions were not like commodities, the importation of which from France war would prevent. War, it was to be lamented, was a passion inherent in the nature of man; and it was curious to observe what at various periods had been the different pretences. In ancient times wars were made for conquest. To these succeeded wars for religion, and the opinions of Luther and Calvin were attacked with all the fury of superstition and power. The next pretext was commerce, and probably it would be allowed that no nation that made war for commerce ever found the object accomplished on concluding peace. Now we were to make war about opinions—what was that but recurring again to an exploded cause, for a war about principles in religion was as much a war about opinions as a war about principles in politics.

Mr. Fox stated the justifiable grounds of war to be three, insult, injury, or danger. For the first satisfaction was the object, for the second reparation, and for the third security. Each of these two was the proper object of negociation, which ought ever to precede war, except in case of an attack actually commenced.—If we did but know for what we were to fight, we might look forward with confidence, and exert ourselves with unanimity; but kept in the dark, how many might there be who would believe that we were fighting the battles of despotism! To undeceive those who might happen to fall into this unhappy delusion, it would be no derogation from the dignity of office to grant an explanation. Mr. Fox concluded with earnestly entreating the minister to pause before he plunged the country into the horrors of war—of a war of opinion; and to beware lest a fatal suspicion should go abroad, that kings had an interest different from that of their subjects; and that between those that had property

property and those that had none, there was not a common cause and a common feeling.—He was aware, he said, of the obloquy to which his present conduct would give rise, and was prepared to encounter it. He knew that he should now be represented the partizan of France, as he had formerly been represented the partizan of America. He was no stranger to the industry with which these and other calumnies were circulated against him, and therefore he was not surprised. But he really was surprised to find that he could not walk the streets without hearing whispers that he and some of his friends had been engaged in improper correspondence with persons in France. If there was any foundation for such a charge, the source of the information could be mentioned: if it were true, it were capable of proof. If any man believed this, he called upon him to state the reasons of his belief. If any man had proofs, he challenged him to produce them.—He hoped the house would give him the credit of being innocent till an open charge was made; and that if any man heard improper correspondence imputed to him in private, he would believe that he heard a falsehood, which he who circulated it in secret durst not speak in public.

A few days subsequent to this debate intelligence was received that the French republic had declared war against his majesty and the stadtholder of the United Provinces, for, on this occasion, the existing government of France, contrary to the usage of modern nations under similar circumstances, declared war personally against the heads of the governments of Great Britain and Holland. On the 11th of February 1793 a message was communicated to the two houses of parliament announcing this event, and the following day it was taken into consideration in the house of commons. Mr. Pitt, who moved the address, endeavoured to show, that we had

been forced into hostilities; that on the part of Great Britain all had been forbearance and mildness, while the behaviour of France had been characterised by insolence, aggression, and attack. Happy would it have been for England and for Europe had this been a true statement of the case; but the question was set in a very different light by the masterly and unanswerable arguments of Mr. Fox. He observed, that on an occasion so important, it would ill become the duty which he owed to his constituents and to the nation, to decline meeting the imputation of being the abettor of France, with which he was already menaced, or by the bold misconstruction of his sentiments and arguments, to which he had been accustomed, to be deterred from examining and stating what was the true situation in which the country was involved in war. The gentleman who seconded the address (Mr. Powis, a seceder from the whig party, and violent alarmist) said, that the power of France, under every change of men and circumstances, was a monster, whose hand was against all nations, and that the hand of every nation ought to be against France. The minister said, that the cause of the war was not our general bad opinion of France, but specific aggressions on the part of France. So far the difference was great with respect to our immediate situation of being actually at war; and it was still greater when we came to enquire into our prospect of peace. If we were at war because France was a monster whose hand was against all nations, it must be a *bellum internecinum*—a war to extermination; for nothing but unconditional submission could be adequate to the end for which the war was undertaken, and to that alone must we look to a safe and honourable peace. If, on the contrary, we were at war for a specific aggression, atonement might be made for that aggression, and the object being obtained, peace might be concluded.—Few of those, he trusted, who had been most zealous in recommending

mending the expediency of the war, wished it to be a war to extermination—a war for extirpating French principles, not for circumscribing French power.

The causes of the present war, Mr. Fox said, were in no respect different from those of former wars under the government of Louis XIV or Louis XVI. It was an axiom of politics not to be controverted, that war should never be undertaken when peace could be maintained without breach of public faith, tarnishing national honour, or risking future security. The causes of former wars had been the refusal of satisfaction when specifically demanded; but, in the present case, what instance could ministers produce of such demand and such refusal? He admitted that the decree of the 19th of November entitled this country to require an explanation; but they could not shew that any clear and specific explanation had been demanded. Security that they would not act upon that decree was indeed mentioned in one of lord Grenville's letters, but what security was neither specified, nor even named. The same might be said with respect to the opening of the Scheldt; the same with respect to their conquest of Brabant. We complained of an attack on the rights of our ally, we remonstrated against an accession of territory alarming to Europe; but we mentioned nothing that would be admitted as satisfaction for the injury, we pointed out nothing that would remove our alarm. He wished for a distinct and specific declaration of the causes of the war, that both we and the enemy might know the real grounds of contest. Ministers professed to have acted with temperance and moderation; but did that appear in the removal of earl Gower from Paris after the events of the 10th of August? His presence would have implied no recognition of the government which succeeded to that to which he had a formal

mission, any more than to have negociated with that government in the safe, direct way, in preference to the indirect and hazardous. But the minister, who could not get rid of the idea of recognition, exclaimed, "Would you recognize a government which by its own confession is no government; which declares itself only provisional till a government can be framed?" This, he would answer, was the safest of all recognitions; for the government being only provisional, we could only be understood to recognize provisionally, and were at liberty to act as the case might require, with any other power that might arise in its stead. Did not history shew us, that to treat and to recognize were not considered as the same? Did we not treat with Philip of Spain, as king, at the very time when we were at war to dispute his succession? And was not the recognition of his title, far from being considered as admitted by us on that account, actually stipulated as an article of the peace? Did not France, when at war to dispute the accession of William III. to the throne of England, treat with him as king, and was not the recognition of his title also made one of the conditions of peace? Still, however, he would admit that withdrawing our minister, or not sending another, was not a just cause of war on the part of France; but it could not be denied, that to treat one nation in a manner different from others was a symptom of hostility. The recalling of ministers was certainly once considered as an indication of war, for the commercial treaty provided for a case where no war was declared but by such recall.

Mr. Fox then proceeded to examine the grounds of war as stated in the French declaration. With respect to the prohibition of the circulation of assignats, we had a right to prohibit them if we pleased, and that measure was only to be regarded as a matter of internal regulation. Prohibiting

hibiting the exportation of corn to France, while it was free to other countries, might, according to circumstances, be an act of justifiable or unjustifiable hostility; but, in his opinion, it was an act of hostility so severe, that the circumstances which could have justified it, would have justified a war, and no such circumstances could be shewn. The alien bill was not a just cause of war, but it was a violation of the commercial treaty, both in the letter and the spirit. The minister said that the French made regulations in their own country by which the treaty was before completely broken off and at an end. But did he complain of these regulations? for it was expressly provided by the treaty itself, that no violation should put an end to it till complaint was made, and redress refused; and here lay the important difference. The French made no regulations that put aliens on a different footing from Frenchmen. They made general distinctions of safety and police as every nation has a right to do; but we made regulations affecting aliens only; confessed to be more particularly intended to apply to Frenchmen. It was admitted that the French demanded an explanation of these regulations, and that an explanation was refused them. By us therefore, and not by the French, was the commercial treaty broken. Our sending a squadron to the Scheldt they complained of as an injury. He was as little disposed to commend their operations in Belgium as the minister; but if by our squadron we had disturbed them in their operations of war against the emperor, which he admitted we had not done, they would have had just cause to complain. Then, says the minister, they complain of our conduct on the afflicting news of the murder of their king: what, shall we not grieve for the untimely fate of an innocent monarch, most cruelly put to death by his own subjects? Shall we not be permitted to testify our sorrow and abhorrence on an event that outrages every principle of justice, and shocks every feeling

ing of humanity? Of that event, Mr. Fox said, he never should speak but with grief and detestation.

But was the expression of our sorrow all? Was not the atrocious event made the subject of a message from his majesty to both houses of parliament? And now he would ask the few more candid men who owned that they thought this event alone a sufficient cause of war, "What end could be gained by further negociation with Chauvelin, with Maret, or Dumourier?" Did ministers mean to barter the blood of this ill-fated monarch for any of the points in dispute—to say the evacuation of Brabant shall atone for so much, the evacuation of Savoy for so much more? Of this he would accuse no man; but on their principle, when the crime was committed, negociation must cease. He agreed, however, with the right honourable gentleman, and he was glad to hear him say so, that this crime was no cause of war; but if it were admitted, it was surely not decent that the subject of war should never be even mentioned without reverting to the death of the king. When he proposed sending an ambassador to France, "What," said the right honourable gentleman, "send an ambassador to men that are trying their king!"—If we had sent an ambassador even then, had our conduct towards the French been more candid and conciliating, the fatal issue of that trial might have been prevented. But, said the right honourable gentleman, we negociated unofficially. The importance to any wise purpose between official and unofficial negociation, of this bartering instead of selling, he could never understand; but even to this mode of negociating the dismission of M. Chauvelin put an end. But M. Chauvelin went away the very day after he received the order, although he might have staid eight days, and negociated all the while. Was it so extraordinary a thing that a man of honour,

honour, receiving such an order, should not choose to run the risk of insult, by staying the full time allowed him; or could he imagine that his ready compliance with such an order would be considered as an offence? When M. Chauvelin went away, and M. Maret did not think himself authorised to negociate, ministers sent a message to lord Auckland, to negociate with general Dumourier, which reached him too late. Admitting this to be a proof of their wish to negociate, while negociation was practicable, what was their conduct from the opening of the session? If he or any of his friends proposed to negociate—"Negociate!" they exclaimed, "we are already at war." Now it appeared that they did negociate with unaccredited agents, although the secretary of state had said such a negociation was not compatible with his belief; and last of all, strange conduct for lovers of peace! they ordered to quit the country the only person with whom they could negociate in their unofficial way. He was happy to see the right honourable gentleman so much ashamed of this mutilated farce of negociation, as to be glad to piece it out with lord Auckland, and general Dumourier. Then was asked the miserable question, "What interest have ministers in promoting a war, if, as it has been said, that the ministers who begin war in this country are never allowed to conclude it?" Admitting this to be true, for which he saw no good reason, then surely they who endeavoured to avert a war, ought to be allowed some credit for the purity of their motives. But ministers never opened a fair communication on the points in dispute with France. They acted like men afraid of asking satisfaction, for fear it should be granted—of stating the specific causes of war, lest they should lose the pretext. An opinion, somewhere stated, had been adverted to, that the people might consider this as a war in which kings were more interested than their subjects. He felt great respect for monarchy, and it was neither

neither his practice nor his inclination to speak harshly of kings. He had already said, that monarchy was the corner, or rather the key-stone of the British constitution, that is *limited*, not *unlimited* monarchy. But with all due reverence for crowned heads, was it impossible to conceive that kings may love, not limited, but unlimited monarchy; and that resistance to the limited monarchy attempted to be established in France, in the room of the unlimited monarchy, by which that country was formerly governed, might have been the true cause of the combination of some of the crowned heads of Europe? Our king had sat too long on the throne of a free kingdom; he had had too much experience that love of his people was a stronger defence than guards and armies, to forfeit that love by transgressing the bounds which the constitution prescribed to him, were even his virtues and his wisdom less than they were known to be. But had not kings the frailties of other men? Were they not liable to be ill-advised? What became of that freedom of speech which was the boast of parliament, if he might not suppose, that by evil counsellors their ears might be poisoned, and their hearts deceived? He therefore feared, that this war would be supposed a war for restoring monarchy in France, and for supporting rather the cause of kings, than the cause of the people. He would be the last to draw a distinction of interest between the rich and the poor; for whatever the superficial observer might think, nothing was clearer, when philosophically considered, than that a man, who was not immediately possessed of property, had as great an interest in the general protection and security of property, as he who was; and therefore he reprobated all those calls upon the particular exertions of men of property, as tending to excite the idea of an invidious distinction, which did not exist in fact. When the attack on France was called the cause of kings, it was not a very witty, but a sufficient reply, that opposing it might

might be called the cause of subjects. He imputed bad motives to no man, but when actions could not be explained on one motive, he had a right to attempt to explain them on another. If there were at present such a spirit in this country as in the beginning of the American war, what would be our conduct? To join the combined powers in their war on the internal government of France. He was happy that the public abhorrence of a war on such a motive was so great, that the right honourable gentleman felt himself called upon to disclaim it at great length; but how had ministers acted? They had taken advantage of the folly of the French, they had negociated without proposing specific terms, and then broke off the negociation—At home they had alarmed the people that their own constitution was in danger, and they had made use of a melancholy event, which, however it might affect us as men, did not concern us as a nation, to inflame our passions and impel us to war; and now that we were at war, they durst not avow the causes of it, nor tell us on what terms peace might have been preserved.

Mr. Fox said, he was now called upon, as a member of that house, to support his majesty in the war, and he would do it; but he was not pledged to any of those crooked reasonings on which some gentlemen grounded their support of ministers, nor less bound to watch them, because, by their misconduct, we had been forced into a war, which both the dignity and the security of Great Britain would have been better consulted in avoiding. He was never sanguine on the success of war. It might be glorious to our army and our navy, and yet ruinous to the people. The event of the last campaign—*procul absit omen*—and the example of the American war had taught him that we might be compelled to make peace on terms less advantageous than could have been obtained

without unsheathing the sword; and if this might be the consequence to us, the consequences to our ally, the Dutch, must be such as he would not suffer himself to anticipate. The ordering M. Chauvelin to depart the kingdom, and the stopping the exportation of corn to France, when exportation was allowed to other countries, were acts of hostility and provocation on our part, which did not allow us to say, as the proposed address said, that the war was an unprovoked aggression on the part of France. Truth and justice were preferable to high-sounding words, and therefore he should move an amendment, containing nothing that was not strictly true, and in voting which the house might be unanimous.

Mr. Fox then moved his amendment, which was negatived without a division.

Having in vain endeavoured to avert from his country the calamities of war, Mr. Fox, on the 18th of February, brought forward a series of resolutions, the purport of which was to state in clear and specific terms the sentiments of the friends of peace, and the real grounds of difference between ministers and the members of opposition. The necessity of the war, he said, might be defended upon two principles; first, the *malus animus*, or general bad disposition of the French towards this country; the crimes they have committed among themselves; the systems they endeavoured to establish, if systems they might be called; in short, the internal government of their country. There were few persons, he believed, who would venture to defend it on this principle; and this being disavowed as the cause of the war by his majesty's ministers, it was unnecessary for him to dwell upon it.—Second, that various things have been done by the French, manifestly extending beyond their own country, and

affecting

affecting the interests of us and our allies; for which, unless satisfaction was given, we must enforce satisfaction by arms. This he considered as the only principle on which the necessity of the war could be truly defended, and in this he was sure the great majority of the house and of the country were of the same opinion. His object was to record this in an address. Such a record would be a guide to their conduct in the war, and a landmark on which to fix their attention for the attainment of peace. In examining the alledged causes of provocation, he had maintained that they were all objects of negociation, and as such, till satisfaction was explicitly demanded and refused, did not justify resorting to the last extremity. He had perhaps also said, that ministers did not appear to have pursued the course which was naturally to be expected from their professions. He did not mean to charge them with adopting one principle for debate and another for action; but he thought they had suffered themselves to be imposed upon, and misled by those who wished to go to war with France on account of her internal government, and therefore took all occasions of representing the French as irreconcileably hostile to this country. It was always fair to compare the conduct of men in any particular instance with their conduct on other occasions. If the rights of neutral nations were now loudly extolled; if the danger to be apprehended from the aggrandisement of any power was magnified as the just cause of the present war; and if, on looking to another quarter, we saw the rights of Poland, of a neutral and independent nation, openly trampled upon, its territory invaded to the manifest aggrandisement of other powers, and no war declared or menaced, not even a remonstrance interposed,—could we be blamed for suspecting that the pretended was not the real object of the present war—that what was not told was in fact the object, and what was told, only the colour and pretext?

Whatever might be the cause, the war would be much less calamitous to this country, if, in the prosecution of it, we could avoid allying ourselves with those who had made war on France, for the avowed purpose of interfering in her internal government; if we could avoid entering into engagements which might fetter us in our negociations for peace. Since negociation must be the issue of every war that was not a war of absolute conquest, he hoped ministers would shun the disgrace of becoming parties with those who in first attempting to invade France, and some of them since invading Poland, had violated all the rights of nations, and all the principles of justice and of honour.

Mr. Fox said the whole of our pretended negociation, such as it had been, was a farce and a delusion—not an honest endeavour to preserve the blessings of peace, but a fraudulent expedient to throw dust in the eyes of the people of this country, in order that they might be hurried blindly into war. The more he attended to the printed papers of correspondence, the more he was convinced how extremely deficient we had been in communicating the terms on which we thought peace might be maintained. We told them they must keep within their own territory; but how were they to do this when attacked by two armies that retired out of their territory only to repair the losses of their first miscarriage, and prepare for a fresh irruption? When to this studied concealment of terms were added the haughty language of all our communications, and the difficulties thrown in the way of all negociation, we must surely admit, that it was not easy for the French to know with what we would be satisfied, nor to discover on what terms our amity (not our alliance, for that he had

had never suggested, though the imputation had been boldly made) could be conciliated. When to all these he added the language held in that house by ministers, although he by no means admitted that speeches made in that house were to be sifted by foreign powers for causes of war, any more than speeches in the French convention by us; and last of all, the paper transmitted by lord Auckland, at the Hague, to the States General,—a paper which for contempt and ridicule of the French, stood unparalleled in diplomatic history—a paper in which the whole of them, without distinction, who had been in the exercise of power since the commencement of the French revolution, were styled *a set of wretches assuming the title of philosophers, and presuming i. the dream of their vanity to think themselves capable of establishing a new system of civil society* How could he hope the French to expect that any thing would be considered as satisfactory, or any pledge a sufficient security? Compare lord Auckland's language at the Hague with the pacific conduct of ministers at home, as represented by themselves. While they were trying every means to conciliate, while with moderation to an excess, which they could not help thinking culpable, they were publicly ordering M. Chauvelin to quit the country within eight days, but privately telling him, that he might stay and negociate, while they were waiting for propositions from M. Maret, which M. Maret did not make. While they were sending instructions to lord Auckland to negociate with general Dumourier, lord Auckland was writing that silly and insulting paper by their instruction: for if he did it without, he was very unfit for his situation, and must have been instantly recalled. Thus while they were publicly courting peace, they were using every clandestine manœuvre to provoke war.

Mr.

Mr. Fox came next to consider the conduct of ministers with respect to Poland. He had formerly said that he wished not to speak harshly of sovereign princes in that house, although the period was not long since passed, when it was thought perfectly allowable to talk of the empress of Russia as a princess of insatiable ambition, and of the late emperor, (Joseph II,) as a prince too faithless to be relied upon. But when he spoke of the king of Prussia, he desired to be understood as speaking of the cabinet of the court of Berlin, whose conduct he was as free to criticise, as other gentlemen the conduct of the executive council of France. In May 1791, a revolution took place in Poland on the suggestion, certainly with the concurrence of the king of Prussia; and, as was pretty generally imagined, although not authentically known, with the concurrence of the court of London. By a dispatch to his minister at Warsaw, the king of Prussia expressed the lively interest which he had always taken in the happiness of Poland, and the confirmation of her new constitution, and his approbation of the choice of the elector of Saxony and his descendants to fill the throne of Poland, made hereditary by the new order of things, after the death of the reigning king. In 1792, the empress of Russia, without the least plausible pretext, but this change in the internal government of the country, invaded Poland. Poland called upon the king of Prussia, with whose express approbation this change had been effected, for the stipulated succours of an existing treaty of alliance. He replied that the state of things being entirely changed since that alliance, and the present conjuncture brought on by the revolution of May 1791, posterior to his treaty, it did not become him to give Poland any assistance, unless indeed she chose to retrace all the steps of that revolution, and then he would interpose his good offices both with Russia and the emperor to reconcile the *different interests*. The

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different interests of foreign powers in the internal government of a free and independent nation! It was singular that ministers should be so keen to mark and stigmatise all the inconsistencies of the French with their former declarations, which had been too great and too many, and yet could see without emotion such inconsistency, not to say perfidy, as this. He was not the defender of the gross departures from their own principles of the French; but if we thought it unsafe to treat with them, because of their perfidy, we had little inducement to unite with the king of Prussia, who had violated not only principles, but an express treaty, in a more particular and pointed manner than they had yet had an opportunity of doing. Among the powers at war, or likely to be at war with France, there was no great option of good faith. But the French, it was said violated their principles, for the sake of robbery and rapine, to seize on territory, and plunder property. Let us look again to the king of Prussia. In 1792 he limited the cause of war against Poland by Russia to the new constitution, which he himself had approved, and promised to defend. This obnoxious constitution completely subverted, and that excellent old republic—for these crowned heads were great republicans when it suited their convenience—which had for ages made the happiness of Poland, re-established on its ancient basis, he would interpose his good offices to conciliate the different interests and restore peace. What then prevented? Was not the new constitution completely subverted? Did not the Russian troops succeed in overrunning Poland? Were they not in possession of the whole country? And was not the empress of Russia able to restore the excellent old republic, and convinced of her own success? Not so with the king of Prussia. He was a critic in principles. When he approved of their revolution, the principles of the Poles were unexceptionable; when they were attempting a brave but unsuccessful resistance

ance to a more powerful adversary, their principles were not dangerous; but when they were overpowered by superior force, when they had laid down their arms, and submitted to their conqueror, when their whole country was possessed by a foreign army, then he discovered that they had got French principles among them, subversive of all government, and destructive of all society. And how did he cure them of these abominable principles?—O! by an admirable remedy!——invading their country, and taking possession of their towns. Are they tainted with jacobinism? hew down the gates of Thorn, and march in the Prussian troops. Do they deny that they entertain such principles? seize upon Dantzick, and annex it to the dominions of Prussia. Now did not this seizure and spoil of Poland tend to the aggrandisement of the powers by whom it was perpetrated? Was it not a greater and more contemptuous violation of the law of nations than the French had yet been guilty of? Most undoubtedly it was. Had we opposed it? Had we remonstrated against it? If ministers had any such remonstrances to shew, they would produce them in due time, and the house would judge of them; but while none were produced, or even mentioned, he must presume that none had been made. The invasion of Poland had this material aggravation, that the powers who invaded were not themselves attacked at the time. They had not the excuse of the French to plead, that they did it in a paroxysm of fear and danger, circumstances that prompt nations, as well as individuals, to many acts of impolicy and injustice. The king of Prussia first connives at, or consents to the invasion of Poland, which he was bound by treaty to defend—Next he attempts an unprovoked invasion of France, and is foiled—how does he revenge the disgrace of his repulse? By increasing his army on the Rhine, by concentrating his forces for a fresh attack? No—he more gallantly turns round on defenceless Poland,

and

and indemnifies his losses by seizing on towns where he can meet with no resistance. It was not, therefore, on any general system of attention to the balance of power in Europe that ministers were acting, since, while they pretended to consider it as of the utmost importance in one case, they had suffered it to be most flagrantly infringed upon in another.

Mr. Fox concluded with reading the following resolutions, and moving the first:

1st.—"That it is not for the honour and interest of Great Britain to make war upon France, on account of the internal circumstances of that country, for the purpose of either suppressing or punishing any opinions and principles, however pernicious in their tendency, which may prevail there, or of establishing among the French people any particular form of government."

2d.—"That the particular complaints which have been stated against the conduct of the French government, are not of a nature to justify a war, in the first instance, without having attempted to obtain redress by negociation."

3d.—"That it appears to this house in the late negociations between his majesty's ministers and the agents of the French government, the said ministers did not take such measures as were likely to procure redress, without a rupture, for the grievances of which they complained, and particularly, that they never stated distinctly to the French government any terms and conditions, the accession to which on the part of France would induce his majesty to persevere in a system of neutrality."

4th.—"That it does not appear that the security of Europe, and the rights of independent nations, which had been stated as grounds of war against France, have been attended to by his majesty's ministers in the case of Poland, in the invasion of which unhappy country, both in the last year, and more recently, the most open contempt of the law of nations, and the most unjustifiable spirit of aggrandisement have been manifested, without having produced, as far as appears to this house, any remonstrance from his majesty's ministers."

5th.—"That it is the duty of his majesty's ministers, in the present crisis, to advise his majesty against entering into engagements which may prevent Great Britain from making a separate peace, whenever the interest of his majesty, and his people, may render such a measure adviseable, or which may countenance an opinion in Europe, that his majesty is acting in concert with other powers for the unjustifiable purpose of compelling the people of France to submit to a form of government not approved by that nation."

Mr. Fox's resolutions were violently opposed by Mr. Burke, Mr. Powis, and other alarmists. They represented them as insidious in the extreme, and such as could proceed from none but a decided friend to France, and the loss of Mr. Fox's popularity was confidently predicted as the certain consequence of the freedom with which he delivered his opinions and their dangerous tendency. In reply to these insinuations Mr. Fox said, no man was more desirous of popularity than he was; and no man would make less sacrifices to obtain it. If the part which regard to the interests of the country obliged him and the gentlemen who acted with him to take, was not popular, it was not their duty to be influenced

by that consideration. We had got into a war, and how to put an end to that war was now the object which demanded their attention. It was their business, treading the old constitutional ground, to come forward boldly with their opinions, in proportion to the crisis, and the danger of their country, and not to be deterred by the suggestions of timidity, or the menace of unpopularity. There appeared a general exultation in that house, with respect to the war, in which he could by no means join: he feared that this exultation in its event would have a termination similar to that which had been so emphatically described by the Roman historian Tacitus, *Spe læta, tractata dura, eventa tristia.* Mr. Fox's resolutions were negatived by a majority of 270 against 44.

Notwithstanding the diminished, and daily diminishing number of his supporters, and the calumnies and misrepresentations of his principles, so grossly and confidently urged both in and out of parliament, Mr. Fox continued to oppose the frantic and tyrannical proceedings of the ministry with unabated spirit, and in some instances not without success. Various parts of the traiterous correspondence bill were modified in consequence of his suggestions; and that infamous clause which prohibited British subjects from returning to their own country without a passport first obtained from the secretary of state, was expunged from the bill. The king, Mr. Fox said, had no right of preventing any person from returning to his native country, under the specious mask of regulating upon general policy, nor had he the power of expelling from his native land any person he might think proper. If the king had any right to say to an Englishman, "You shall not return to England without my passport," it was high time to examine into the expediency of suffering such a prerogative to

continue—high time to enquire whether some means could not be devised to limit the extent, and regulate the exercise of that prerogative. "But," continued Mr. Fox, "I am sure he has not, and never ought to have, and never can have, unless this house scandalously neglect its duty."

A motion for a parliamentary reform, brought forward by Mr. Grey at the request of the society of the friends of the people, and supported by numerously-signed petitions from all parts of the kingdom, afforded Mr. Fox an ample opportunity of exposing the tergiversation and apostacy of the minister.—It had been stated, he said, that the particular circumstances of the times might justify a deviation from certain principles.—Granted. But he was at a loss to determine how such an objection could now be seriously maintained. The bug-bear innovation might be advanced as an argument against the measure; but Mr. Pitt having made the same motion during the marquis of Rockingham's administration—once in the time of war, and twice during that of peace, his own example justified all seasons. But the difference between Mr. Pitt's independence as a man, and his interest as a minister, had occasioned him to change his opinions; and the complaisance he had experienced for several years from the house of commons, had, perhaps, in his mind, rendered all reform unnecessary. In the pride of his new wisdom, his present self felt such contempt for his former self, that he could not look back on his former conduct and opinions without a sort of insulting derision. Surveying his former self, he seemed in the situation of lord Foppington in the play, who says, "I begin to think that when I was a commoner, I was a very nauseous fellow:" so the right honourable gentleman began to think, that when he was a reformer, he must have been a very foolish fellow:

fellow: he might nevertheless have retained some degree of candour for those gentlemen, who had not yet received the new lights with which he was so marvellously illuminated.

If Mr. Pitt had rested his objections on the change of circumstances produced by the events in France, his arguments would have been rational, or at least consistent. Mr. Fox said, he had always disliked universal representation as much as the minister; but that dislike was no reason for charging it with more mischief than was fairly imputable to it. It had not been the cause, as the minister alleged, of all the evils in France. The first, or constituting assembly, was not elected on this plan, but on old usages, and old abuses. Yet that assembly had been guilty of some of the most unjustifiable acts perpetrated in France. It had despoiled the clergy without regard to function or character, and had destroyed the nobility. The second, or legislative assembly, was not chosen by individual suffrage; for when the constitution was framed, wild as the French were, they had laid many restrictions on individual suffrage, and made a distinction between active and inactive citizens. It was therefore unjust to charge upon it what was done by assemblies elected before it was brought into use. France, after doing great honour to herself by shaking off her old intolerable despotism, had since been governed by counsels generally unwise and often wicked. But what had this to do with our reform? It had been said that French principles, though not more detestable than the principles of Russia, were more dangerous, and more to be guarded against, because more fascinating. Would any man say that French principles were fascinating? What then had we to fear from what no man in his senses would wish to copy?

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A right honourable friend of his (Mr. Windham) had, in a very eloquent, but very whimsical speech, endeavoured to prove that the majority was generally wrong. But when he came to answer some objections of his own suggesting, he found himself reduced to say, that where he differed from the majority, he would consider himself as independent as one independent country member of the decision of another—which was just to say that he would put an end to society; for where every individual was independent of the will of the rest, no society could exist. It was singular for him to defend the decision of the majority, who had found it so often against him; and he was in hopes that his right honourable friend would have shewn him some easy way of solving the difficulty. His honourable friend said, a wise man would look first to the reason of the thing to be decided, rather than to force, or his power of carrying that decision into effect, but never to the majority. He said, look first, and look last to the reason of the thing, without considering whether the majority is likely to be for or against you, and least of all force. He admitted that the majority might sometimes oppress the minority, and that the minority might be justified in resisting such oppression, even by force; but as a general rule, though not without exception, the majority in every community must decide for the whole, because in human affairs there was no umpire but human reason. The presumption was also that the majority would be right; for if five men were to decide by a majority, it was probable that the three would be right and the two wrong, of which, if they were to decide by force, there would be no probability at all.

If, then, what all men agreed on was admitted to be true, there was a strong presumption that what many, or the majority agreed on, was true likewise. Even reverence for antiquity resolved itself into this; for what

was

was it but consulting the decision of the majority, not of one or two generations, but of many, by the concurrence of which we justly thought that we arrived at greater certainty. This objection to universal suffrage was not distrust of the decision of the majority, but because there was no mode of collecting such suffrages; and that, by attempting it, what from the operation of hope on some, fear on others, and all the sinister means of influence that would so certainly be exerted, fewer individual opinions would be collected than by an appeal to a limited number. Therefore holding fast to the right of the majority to decide, and to the natural rights of man, as taught by the French, but much abused by their practice, he would resist universal suffrage. Without attempting to follow his right honourable friend, when he proposed to soar into the skies, or dive into the deep, to encounter his metaphysical adversaries, because in such heights and depths the operations of the actors were too remote from view to be observed with much benefit, he would rest on practice, to which he was more attached, as being better understood. And if he could collect all the wisest men of every age and of every country unto our assembly, he did not believe that their united wisdom would be capable of forming even a tolerable constitution. In this opinion he thought he was supported by the unvarying evidence of history and observation. Another opinion he held, no matter whether erroneous or not, for he stated it only as an illustration, viz. that the most skilful architect could not build in the first instance so commodious a habitation as one that had been originally intended for some other use, and had been gradually improved by successive alterations suggested by various inhabitants for its present purpose. If then so simple a structure as a commodious habitation was so difficult in theory, how much more difficult the structure of a government! One apparent exception might be mentioned—the constitution

tution of the United States of America, which he believed to be so excellently constructed, and so admirably adapted to their circumstances and situation, that it left us no room to boast that our own was the sole admiration of the world.

The objection, however, was only apparent. They had not a constitution to build up from the foundation; they had ours to work upon, and adapt to their own wants and purposes. This was what the motion now recommended to the house, not to pull down, but to work upon our constitution, to examine it with care and reverence, to repair it where decayed, to amend it where defective, to prop it where it wanted support, to adapt it to the purposes of the present time, as our ancestors had done from generation to generation, and always transmitted it not only unimpaired, but improved, to their posterity.

His right honourable friend (Mr. Windham) had said on a former occasion (Mr. Flood's motion,) that if the constitution of the house of commons were that the county of Middlesex alone elected the representatives for the whole kingdom, he would not consent to alter that mode of representation, while he knew from experience that it had produced such benefits as we had long enjoyed. Now suppose, for the sake of argument, that the county of Cornwall, somewhat less likely to be a virtual representative of the whole kingdom than Middlesex, instead of sending forty-four members to parliament, to send the whole five hundred and fifty-eight, such a house of commons might, for a time, by a proper check on the executive power, watch over the interests of the whole kingdom with as much care as those of Cornwall; but with such a house of commons no argument would persuade him to remain satisfied, because there

there was no security that it would continue to do so. The question now to be examined was,—did the house of commons, as at present constituted, answer the purposes which it was intended to answer: and had the people any security that it would continue to do so? To both branches of the question he answered decidedly in the negative. Before proceeding to the reasons on which he thus answered, it was necessary to say a few words on the circumstances which, in his opinion, would justify a change. Many things short of actual suffering would justify, not only a change, but even resistance. When the dispute began with America, it was not because it was held that the British parliament had no legal right to tax America that the project of taxing her was opposed. The Americans indeed did maintain that the British parliament had no such right; but he and many others who opposed the measure admitted the right, and he was still of the same opinion. What then was the ground of the opposition? It was not any actual suffering on the part of the Americans: they themselves allowed that the taxes attempted to be imposed were of the most easy and unoppressive kind.—But although these taxes were so, they had no security that heavy and oppressive taxes might not at some future period be imposed upon them by a legislative body, in which they had no representation, with which they had no very close connection of common interest, and over which they had no means of control. He, therefore, and those with whom he had the honour to act, thought this want of security, for what they were not then ashamed to call the rights of man, a sufficient cause of resistance. They justified the Americans in that glorious resistance, for which they were then called the advocates of American rebels, as some of them, though too familiar with such charges much to heed them, were now called the advocates of the French. That glorious resistance was ultimately successful, and to that success would

yet be owing the liberties of mankind, if in this country they should unhappily be suffered to perish. Jealousy too was a good cause of change, or even of resistance—not jealousy captious or malignant, but jealousy founded on well examined and rational grounds of suspicion. Men were not bound to wait till their liberties were actually invaded; prudence called for means of prevention and defence; and to justify these, it was sufficient that they saw a clear possibility of danger.

Now to shew that the house in its present state was unfit for the functions which it ought to discharge, he referred to the history of the American war. It was dangerous to make a concession in argument, for on that concession was generally built some assertion very different from what had been conceded. He had once admitted that the American war was popular in the beginning: and on that had been built the assertion, that he had called it the war of the people. He never called, nor meant to call it so—for, in truth, it was nothing less than the war of the court. By the court the project of taxing America was conceived, and the people were taught to believe that their money would be saved, and their burdens eased, by a revenue drawn from another country. Thus were they first deluded, and then bribed, by an appeal to their pockets, into an approbation of the scheme of the court. This was no assumption of his, for it was perfectly well known, that when a considerable addition to the standing army was proposed, the country gentlemen were induced to agree to it, by hints that the expense would be defrayed from another quarter, instead of falling upon them. In compliance with the wishes of the court, the house passed the memorable stamp act. The stamp act was resisted and repealed: and the repeal was as popular as the passing of it had been. Was this a presumption that the war was the war of the people? Was

Was it not, on the contrary, a clear proof that the people had no definite idea of the object of the war? When, by subsequent acts of the same nature, and similar resistance on the part of America, the war was brought on, then indeed the indignation of the people was excited by the supposed ingratitude of the colonies to the mother country; their passions inflamed; the love of military glory, natural to the minds of a great and brave nation, roused; and the war became popular. But the war itself was the act of the court, deluding the people by the subserviency of the house of commons. The house passed the stamp act; the house took all the other measures that led to the war, and voted that it should be supported, not as the organ of the people, but as the obedient servant of the court. What was a successful war he was somewhat at a loss to know. The American war from the beginning he had always called unsuccessful: but he was year after year told that he was quite mistaken, and that the success was fully adequate to every reasonable expectation. At length came the final blow, the capture of lord Cornwallis and his army—the war was then acknowledged to be unsuccessful, and the house put an end to it; but not till several years after the people had begun to send up petitions and remonstrances against it.

Mr. Fox then recalled to the recollection of the house, a speech made by Mr. Burke, in 1775, on presenting his plan for conciliating America, and in which the virtues and the efficacy of representation were displayed with a force and clearness unequalled. On that occasion it was asked by the right honourable gentleman, were the people of Ireland uncivilized and unsubdued after a forcible possession of their country for ages, what was the remedy? Representation.—Were the Welch in perpetual contention among themselves and hostility to Englishmen, what was the reme-

dy ?—Representation.—Were the counties of Chester and Durham full of discontent and disorder, what was the remedy ?—Representation. Representation was the universal panacea, the cure for every evil. When the English constitution had once arisen in their sight, all was harmony, within and without—

——— *Simul alba nautis*
Stella refulsit,
Defluit saxis agitatus humor ;
Concidunt venti, fugiuntque nubes ;
Et minax (sic Di voluere) ponto
Unda recumbit.

Let gentlemen read this speech by day, and meditate on it by night ; let them peruse it again and again, study it, imprint it on their minds, impress it on their hearts—they would there learn, that representation was the sovereign remedy for every evil, the infallible security against popular discontent ; let them learn this, and give to the people, not the unreal mockery, but the efficient substance of representation.

He came next to consider the conduct of the house since the American war. When the India bill, which he had the honour to propose, was lost, was it because the bill was unpopular ? By no means. Whatever odium had been afterwards excited against it, the people had then expressed no disapprobation. The right honourable gentleman (Mr. Pitt) had no hand in its defeat ; for ready and able as he was to speak against it, it passed the house of commons by a great majority. By whom then was it thrown out ? Let the merit be given to those to whom it belonged—it

was

was thrown out by certain bed-chamber lords acting under the direction of those who had access to advise the king.—The dismission of the ministry followed the rejection of the bill, and the house of commons adhered to the discarded ministers. The right honourable gentleman would surely allow that the house, in order to execute its functions, ought to command respect. Did it command respect on that occasion? Was it respected by the crown, by the peers, or by the people? The advisers of the crown disregarded its remonstrances; the peers came to resolutions censuring its proceedings; and the people treated it not as their organ in the constitution, and the guardian of their rights, but as a faction leagued to oppress them, with whom they had no common interest or common cause. Since that period, the house had not only commanded respect but praise from those who were permitted to advise the crown—not by opposition, but by prompt obedience; not by a watchful and jealous guardianship of the interests of the people, but by implicit confidence in ministers, and pliant acquiescence in the measures of the court—thrice had that house of commons, which he never should mention but with honour, resisted the influence of the crown, and nothing then was talked of but a reform of parliament. The house of commons had been now for nine years a complaisant and confiding body, and the cry of reform from those who were formerly the loudest and most active was heard no more.—Reform was then the only thing that could save the constitution; the very sound of reform was now pregnant with the most imminent and gigantic danger. When that house of commons resisted the influence of the court, they were told, that they were not the representatives of the people; that they were not so chosen as they ought to be; they felt that the charge was true in part, and were easily induced to give credit to the whole. Had that house of commons been chosen in a less objectionable manner; had the people

people considered them as their representatives; could they have been so contemptuously treated and so ignominiously dismissed as they were? No—the people would have seen that the cause of their representatives was the same with their own; they would have given them their confidence and their support. But, it was said, a house of commons so chosen as to be a complete representative of the people would be too powerful for the house of lords, and even for the king. They would abolish the one, and dismiss the other. If the king and the house of lords were unnecessary and useless branches of the constitution, let them be dismissed and abolished; for the people were not made for them, but they for the people. If, on the contrary, the king and the house of lords were felt and believed by the people, as he was confident they were, to be not only useful but essential parts of the constitution, a house of commons freely chosen by, and speaking the sentiments of, the people, would cherish and protect both within the bounds which the constitution had assigned them.

In the Russian armament what had been the mode of proceeding? The minister thought proper to arm against Russia, and the house of commons was called upon to vote the supplies. Were they allowed to enquire into the necessity of that armament, or to judge of its propriety? No—they were told that to ministers it belonged to judge, and to them to confide, and on this implicit confidence they voted the sums demanded of them. In the mean time the people shewed their disapprobation of a war with Russia; the minister adopted their sentiments; called on the house of commons to agree with him in this change of opinion; and the house acquiesced. He would neither allow the house of commons to judge in the first instance, nor through them look for the opinion of the people in the

the second. He was to look for the opinion of the people, and tell those who ought to be their representatives, and the organ of their sentiments, what their opinion was. The lesson thus held out to every man in the house was this—"If you look for honour or power, you must take care to conciliate the advisers of the crown by a ready subserviency to whatever they require. If you presume to counteract them, you may enjoy the consciousness of serving the public without hope of reward; but from power and situation, from all the fair objects of honourable ambition, you are for ever excluded."

Having thus given his opinion, Mr. Fox said, that the house of commons, as now constituted, was neither adequate to the due discharge of its duties at present, nor afforded any security that it would be so in future, what remained for him to answer but general topics of declamation? He had sufficient confidence in the maxims he had early learned, and sufficient reverence for the authors from whom he learned them, to brave the ridicule now attempted to be thrown upon all who avowed opinions which, till very lately, had been received as the fundamental principles of liberty. He was ready to maintain with Locke, that government originated not only *for* but *from* the people, and that the people were the legitimate sovereign in every community.—With regard to the danger of rash innovation, and the great advantages of temperate and slow reform, gentlemen might find all they had to say anticipated in a much more pleasant treatise than any of their speeches—viz. the Tale of a Tub, where brother Jack's tearing off the lace points and embroidery from his coat, at the hazard of reducing the coat itself to tatters, and brother Martin's cautiously picking it up stitch by stitch, exhibited an abstract of all their arguments on the subject.—The septennial act, in the opinion of many, had

had been the means of preserving the house of Brunswick on the throne: but had such a house of commons as the present been then in being, what would have become of the house of Brunswick and the protestant succession? "What," they would have said, "adopt so violent an innovation as septennial, instead of triennial parliaments! Do you mean to subvert the whole fabric of the constitution? Triennial parliaments were sanctioned at the glorious epoch of the revolution; to triennial parliaments we owe all the prosperity, all the glory of the reigns of William and Anne; to them we are indebted for the victory of Blenheim."——As rationally might they have said, that to triennial parliaments they were indebted for the victory of Blenheim, as it might be now said, that to the right of Old Sarum to send members to parliament we were indebted for the annual increase of our exports. If to such sources as these national prosperity was to be traced; if for the essence of our constitution we were to repair to a cottage on Salisbury Plain—or, for the sake of antiquity more reverend, let us take Stone-Henge for Old Sarum, then might we undertake pilgrimages to the sacred shrine, and tell each admiring stranger —"Look not for the causes of our envied condition in the system of our government and laws; here resides the hallowed deposit of all the happiness we enjoy; but if you move one of those rugged stones from another, the British constitution is thrown down from its basis, and levelled with the dust."

The petitions of the people, praying for a parliamentary reform, presented facts, Mr. Fox said, into which the house was bound, both by its legislative and inquisitorial functions, to enquire. It was affirmed by the petitioners, that peers nominated members to that house; and they had a standing order, that no peer should interfere in elections.—It was asserted

that bribery and corruption were openly practised at elections; and they had a standing order against bribery and corruption.—Let those facts be enquired into, and corrected, or these idle denunciations be expunged from their journals. A select committee had reported bribery against certain electors of Stockbridge; and a bill of pains and penalties, which had been founded on that report, had been rejected. He was not sorry for it —he wished not to see a poor man punished for selling his vote, while the sale of seats was connived at. The corruption of an individual voter was undoubtedly an evil, but small in comparison of the mischievous effects which the sale of seats must produce on the minds of the sellers and the buyers, while both of them knew that it was against law. Let the house enquire and put a stop to such practices, or avow their expediency, and repeal the laws that made them criminal.

Mr. Fox concluded with remarking, that it was triumphantly said by gentlemen on the opposite benches, that ninety-nine out of every hundred of the people of England were well affected to the constitution; and he believed that they were right. Where then was the danger of enquiring into the defects of the constitution with a view of correcting them? Could they hope for some golden period, in which the proportion of the ill-affected would be less than as one to ninety-nine? The objection to time was therefore a fallacy, a mere pretext for putting off what the house could not help seeing to be necessary, but felt unwilling to begin.—On a division of the house, Mr. Grey's motion was rejected by a majority of 282 against 41.

A few days previous to the prorogation of parliament, (June 17, 1793,) Mr. Fox brought forward a motion, the object of which was, to entreat

his majesty to take the earliest opportunity of restoring to his people the blessings of peace. At this period considerable advantages had been gained by the combined powers over the arms of France, and a negociation might certainly have been opened under more favourable auspices than at any future period of the war. The French were driven back within the limits of their own territory; the Dutch frontiers were protected; and, as yet, Austria and Prussia seemed fully competent to the defence of their own states. Mr. Fox, ever alive to what was now the object of his warmest wishes, a peace with France, and deeply impressed with a sense of the dangers that might accrue from the further prosecution of hostilities, thought that he saw in the then situation of affairs a reasonable opening for negociation, and came forward boldly to avow his sentiments.

He should not, he said, repeat his former objections to the justice and policy of the war; but, for the sake of argument, allow that its origin was wise and necessary, and that it was entered into for the safety of this country and for the general interests of Europe.—The grounds of the war he had understood were principally these.—First, the particular alliance we had with the Dutch, attacked as they were by the French.—Secondly, not only this alliance, which in point of good faith called upon us to act for the safety of our ally and for our own honour, but also on account of the interest we ourselves had in the issue, independent of good faith and of honour. There was another ground stated, and that might be divided into parts, as on former occasions it had been; he meant that which was stated upon the general footing of the aggrandisement of France, and the effect and operation of the spirit of their councils. These were the grounds upon which we undertook the war; and his object

ject was to shew that upon neither of these grounds could the war be continued. He perhaps might be told that we had been at considerable expence in the war already, and that hitherto we had met with considerable success in the prosecution of it; and therefore, under such circumstances, it was fair for us to say, that we were entitled to indemnity for the expences we had sustained, and security against future danger, or that if we had not, the war should be followed up with vigour. That principle, as far as it regarded the situation of our allies, he did by no means deny; but he thought the continuation of the war, after the real object of it was gained, for an indemnity to ourselves, was a gross error in politics, and we ought first to ask, what could we promise ourselves by the continuation of hostilities?

After having shewn in the strongest light the inexpediency of continuing the war for the purpose of indemnification, and the folly of prosecuting it with a secret design of effecting a change in the internal government of France, Mr. Fox said, "If I were asked when we ought to put an end to this calamitous war, I would answer, when the first objects for which we commenced it had been fully attained. We have now," continued he, "happily prevented the aggrandisement of the French by defeating their measures of ambition. We have preserved Holland, Brabant, and Flanders; and if the ministers are mad enough to continue the war, for the sake of indemnification, let them announce their resolution to the public." Mr. Fox dwelt much upon his former opinion, that if an application had been made from this country for a reconciliation of differences, France would not have denied the restitution of Brabant, Flanders, and Savoy. The purchase of peace, he said, would have been acceptable to the French on

any terms consistent with their liberty; and the price would have been thought trifling indeed, when compared with the happy consequences.

To those who were for the continuance of the war, and who so triumphantly asked, "Would you put a stop to the progress of our arms when victorious?" He would answer, yes! for the end of all war is peace, and the sooner that desirable object is attained the better. "If you demand an indemnification," said he, "let a negociation be commenced, and perhaps the French might agree to cede part of their West India possessions."—Another question had been asked, whether we were to treat with France in her present state? To this he answered, yes! With him, or them, be he or they what they may, who have the government of France in their hands, you ought, and ultimately you must treat. If the contrary was true—if France was to be at peace only on a plan of our own, as to a form of government, it was impossible to say when the war would have an end.

Mr. Fox freely confessed that his heart sighed for peace, and that his judgment saw the policy of it so strongly, that if there was any one of the council of the king who wished for it, whatever situation that person held, and if he said he thought the continuance of this war dangerous, and wished to put an end to it, such person for such a purpose should have his support *, and he was in hopes that the motion he should make

* A report prevailed at this period that Mr. Pitt was averse to the war, and that he had engaged in it only at the instigation of the alarmist party; but this does not appear from any subsequent explanations to have been the case.

would

would strengthen that opinion. But he was the more inclined to think that would be the effect of it, from experience of the past, than he was disposed to indulge in pleasing conjecture. All remembered the American war,—that, during a long period previous to the termination of it, there was great reason to believe, not only the house of commons, but also many of the efficient ministers of the crown, wished to put an end to it. Whether that was the case as to the latter part in the present case he could not tell—but this he would say, that whenever any minister would stand forward regardless of the impression he should make upon the party on whose favour he might principally depend, and avow his sentiments, he should be glad to join with him upon that subject, and give him all the aid in his power.—The American war was an awful example to the people of this country, and he hoped we were not doomed to endure another such calamity. He exhorted the members of the house of commons to exercise their own judgment, and to look at the small possible advantage to be gained, if we pursued, and the almost inevitable ruin of the pursuit of the war; and conjured them to act with firmness, and put an end to the dangerous career of hazard and folly.—Mr. Fox then moved—

"That an humble address be presented to his majesty, to lay before his majesty the humble representations of his faithful commons on the present awful and momentous crisis; a duty which they feel themselves the more especially called upon to perform at this juncture, as a long and eventful period may probably elapse before his majesty can again have an opportunity of collecting, through their representatives, the real sentiments and wishes of his people.

"In

" In the name of the people of England, his majesty's faithful commons are bound to declare, that they concurred in the measures necessary to carry on the present war, for the objects of defence and security, and for those objects only.

" That any plan of aggrandisement, founded on the present distressed situation of France, much less any purpose of establishing among the French people any particular form of government, never would have had their concurrence or support.

" In expressing these their sentiments and opinions, on entering into the present war, his majesty's faithful commons are sensible that they are only repeating those benevolent declarations which policy, and a careful attention to the real interests of the British nation, induced his majesty to use in his most gracious speech from the throne, at the beginning of the present session of parliament, and in repeated messages to this house.

" To represent to his majesty, that though his faithful commons have the most perfect reliance on his majesty's sacred word and promise, solemnly pledged to this country and to Europe, not to interfere in the internal affairs of France, or to enter into the views and projects of other powers, who, in the present war, may be actuated by motives far different from those which govern the conduct of his majesty; yet they feel it to be their indispensable duty to call his majesty's most serious attention to some of the circumstances which have occurred since the commencement of the present unfortunate contest.

" The

"The French arms, which, after a successful invasion of Brabant, had threatened the security of his majesty's allies the States General, have since been confined within their own territory, and are now occupied in defence of their frontier towns against the united forces of his majesty and his allies. The danger apprehended from the former conquests and aggrandizement of the French nation appears, therefore, to be no longer a subject of just uneasiness and alarm.

"Some of the powers engaged in the confederacy against France have, on the other hand, openly avowed, and successfully executed plans of domination and conquest, not less formidable to the general liberties of Europe. The rapacious and faithless dismemberment of the unhappy kingdom of Poland, without having produced, as far as it appears to this house, any remonstrance from his majesty's ministers, has excited in his majesty's faithful commons the highest indignation at so daring an outrage on the rights of independent nations, and the keenest solicitude to rescue the honour of the British government from the suspicion of having concurred or acquiesced in measures so odious in their principle, and so dangerous in their example to the peace and happiness of mankind.

"The severe calamities which since the commencement of the present war this nation has already experienced,—the shock given to commercial credit, and the alarming consequences which the failure of the mercantile and manufacturing interests threaten to the public revenue, and to the general prosperity of the country, cannot have failed to attract his majesty's attention, and to excite in his benevolent mind a sincere desire to relieve his subjects from distresses of which they cannot hope for a termination but in the speedy re-establishment of peace.

"His

" His majesty's faithful commons make it, therefore, their most earnest and solemn request, that his majesty, taking into his consideration all the above circumstances, will not fail to employ the earliest measures for procuring peace on such terms as are consistent with the professed objects of the war, and with that good faith, strict justice, and liberal and enlightened policy, which have hitherto so peculiarly distinguished the British nation."

A reformed house of commons would probably have adopted this address, by which Holland, almost to a moral certainty, would have been preserved to the Stadtholder, and Brabant perhaps have been preserved to the emperor; but the same miserable politics which had severed America from the British empire, prevailed upon this occasion, and Mr. Fox's motion was negatived by a majority of 187 to 47.

A political writer of eminence, speaking of the state of parties at the opening of the session of 1794, says, " There never occurred in the annals of the British history so much unanimity in parliament upon any system of measures, as that carried on by Mr. Pitt for the prosecution of the war against republican France. Never consequently did an opposition act upon purer convictions of their rectitude than upon the present occasion. Their numbers dwindled to absolute insignificance: proselytism profusely recompensed: secession no longer vilified: we behold them struggling against every advantage of power, of opulence, of patronage; against the prejudices of the people, the frowns of royalty, the malevolence of long-rooted enmities, and the keener rancour of newly-lost friendships. The most fertile malice can invent no other ground for their opposition, than the honourable solace of every true patriot—*mens sibi con-*

scia recti. Their real grounds, motives, and reasons may be hereafter seen in the silent page of history, when the present vortex of prejudice shall have spent itself*."

The adherents of ministry at this period did not hesitate to avow that the real object of the war was to overturn the new government of France; and though ministers themselves were more reserved in their language, they were not less sanguine in their hopes of being able to effect a counter revolution. Nothing was now heard from the ministerial benches but violent tirades against the Jacobin government of France, exaggerated descriptions of the internal distress of the French nation, and confident predictions of the successful issue of the war. So cheap were the armies of the French held, that a march to Paris was represented as an easy achievement. But success was chiefly looked for from the disordered state of the French finances. It was said by the ministerial orators, that the French nation was in a state of bankruptcy; that public credit was no more; that the *certain* effect of the measures adopted by the convention would be to annihilate the stock of the necessaries of life still remaining in France, and to hasten the moment when it would be impossible for the government either to subsist the people at home, or even to maintain their armies on the frontiers. Any attempt, therefore, towards a negociation for peace was strenuously deprecated, and a vigorous and unremitting prosecution of hostilities recommended.

* A Short History of the British Empire during the year 1794, by Francis Plowden, L.L.D. p. 33.

The arguments of these infatuated politicians, Mr. Fox said, reminded him of what he had heard in the American war. The Americans were represented as destitute of money; as making temporary exertions by means of paper, which a few halfpence might buy to the nominal amount of 100 dollars; as exercising on one another the most intolerable tyranny; on the royalists the most unheard-of cruelty; and then came what on the present occasion was the master argument, that if such principles of resistance were suffered ro exist, there must be an end of all civilized government, and the monarchy of England must be trodden in the dust.—He was not then deterred from recommending what he now recommended—negociation, while negociation was practicable. He had lived to see Great Britain treat with that very congress so often vilified and abused; and the monarchy subsist in full vigour enough, certainly fuller than it had ever before subsisted since the revolution.—If it were not presumptuous for any man to reckon on his own life, he might say, that he should see Great Britain treating with those very Jacobins—and might the period be as favourable for making peace as it was then.

Mr. Fox maintained, that as much security might be obtained by treating with France, as in any case that came within experience, or was presented by theory, and it remained only to prove, that if negociation should fail, we had much to gain, and nothing to lose. We should demonstrate, he said, to all the world, that the war, on our part, was strictly defensive; and we should convince the people of England, that their money was not expended to *gratify the caprice of an individual.* In France the advantage would be still greater; in France, where enthusiasm supplied the place of military discipline and military skill—where it made the

the people submit to tyranny almost beyond human patience—we should diminish that enthusiasm, by shewing them, that they were engaged not in a war of defence, but a war of conquest.

Mr. Fox then entered into an examination of the conduct of the war, which he shewed had been deficient in every material point. "If," said he, "any independence of spirit remains in this house, if there is a man in it not the sycophant of ministers, that man cannot hold up his head and say, he does not in his conscience believe that the campaign, as far as this country is concerned, has exhibited nothing but the imbecility of those who planned it. The minister possesses great talents and great eloquence; and his having been so long in office must have considerably increased the number of his admirers; but he must pick and choose from the very lowest class of those who pay court to him, before he can find thirty persons, even at his own table, who will say that he is a war minister. They will tell us that he may do better another time; but how much British blood and treasure must be lavished, while the minister is serving his apprenticeship to this trade of war?"

A question of great constitutional importance was agitated early in the session, which exhibited the despotic and liberticide principles of Mr. Pitt and his adherents in a way more glaring and alarming than they had yet appeared. A considerable body of Hessian troops having been landed in the Isle of Wight, without the consent of parliament, Mr. Grey moved in the house of commons, "That to employ foreigners in any situation of military trust, or to bring foreign troops into this kingdom, without the consent of parliament first had and obtained, is contrary to law." This incontrovertibly was the old constitutional doctrine on the subject; but

the minister and his followers maintained, that it was the king's undoubted prerogative to introduce foreign troops into his dominions in time of war; and that in the case then before the house, nothing had been done illegal, unconstitutional, or in violation of the declaration of rights and the act of settlement.

Mr. Fox, with great strength of argument, resisted these slavish doctrines, and proved their illegality from an unanswerable series of precedents.—He entreated gentlemen to act with caution and deliberation on as momentous a question as ever arrested the attention of a British senate. It had been asserted, he said, that the foreign troops had been landed in England for the purpose of foreign service; but he cared not what was the cause, where the consequences were fatal to the bill of rights. Subsequent events might reveal the mystery. Who could tell what might attend this unwarrantable exercise of the prerogative, if these troops were to become the instruments in the hands of a wicked prince, or of a venal minister. The divine prerogatives of the crown, was a language which he did not expect to have heard during that night's debate. During the arbitrary reign of James, it was considered blasphemous to attempt defining those limits, to which he set no bounds; but now he conceived that words more suitable to the tongues of British freemen were those that defined and supported the divine rights of the commons. We were assured by his majesty's ministers, as an excuse for the landing of these troops, that they are not to remain long in the country. But this is not the question. Will the minister say, that it is legal or consistent with the spirit of the constitution? Who are to tell an army of Austrians, of Hulans, of Hanoverians, or of Hessians, that their further continuance in England was contrary to law? Was the house to wait till it was surrounded

rounded by foreign mercenaries, and then present them with a bit of parchment, or the bill of rights, to convince them that they were violating the liberties of Englishmen, and acting repugnant to our constitution? Who was to translate the contents? And when they were translated, could the minister answer what deference they would pay to that bill, which had been treated with so much indifference by him and his adherents? Mr. Fox conjured the house to consider that the liberty of Europe had been destroyed by the illegal use of the mercenary arms of kings and princes. The liberties of the people, and the privileges of parliament, he pronounced at stake; and he entreated those who heard him not to desert either, through private friendship or personal interest. If there were any in that house, Mr. Fox said, who were infected by the alarms attempted to be propagated, of a party in England who wished to limit the powers of the monarchy, this was the time for them explicitly to declare themselves. He, for his part, did not believe that there was any such; for a few, and those inconsiderable men, he could not dignify with the appellation of a party. But, if there were any such, it was the duty of the house of commons to remove their suspicions, by shewing themselves the zealous guardians of the constitution; by proving that they were not governed by circumstances of personal affection; and by demonstrating, that they were as hostile to any invasion on the part of the prerogative, as to any innovation on that of the democracy. The present war might be absurd, or the contrary; but the war was not now the question. The constitution and liberty were at stake; and it was their duty to say whether they would put so formidable a weapon as a foreign army into hands which were likely to be actuated by human temptations, by human frailty, and by human ambition.—We had no invasion to fear but an invasion of the constitution, and the commons, which were its natural

tural watchmen, ought to regard with a tenacious and jealous eye, any measures calculated to destroy the balance of power in the three estates, by any unconstitutional extension of the prerogative of the crown. When the eyes of the world were turned to the constitution of England, he implored the house not to cause their admiration to cease by defacing its noble structure.

Notwithstanding these unanswerable arguments, the previous question, which was moved by a new partizan of the minister, was carried by a majority of 184 to 35. Such was the unhappy tone of the public mind in the house of commons, and such the blind, obsequious confidence reposed in a minister the most arrogant in his counsels and the most incapable in his actions, of any that ever directed the affairs of a free and powerful people.

Mr. Fox bore a large share in the discussions which took place in consequence of the cruel, and, in the judgment of many, illegal sentences passed on Messrs. Muir and Palmer by the Court of Justitiary of Scotland. Taking a review of the opinions delivered by the Scotch judges upon those trials, he reprobated them in the strongest terms, and clearly pointed out their falsehood, barbarity, and absurdity. "One of the lords of the justiciary," said Mr. Fox, "asserted that no man had a right to speak of the constitution unless he possessed landed property: men of personal property, though they might have immense sums in the funds, were told that they must not discuss such topics. When judges speak thus at random with levity and ignorance, what is the inference I would draw?—that the temper of the judge is manifold from such conduct, a conduct which would have disgraced even the times of the Stuarts. Another lord, in

in the exercise of his judicial trust, wandered into the *Roman law*, not finding any written precedent in the laws of his country sufficiently strong to serve his purpose. Having recourse to this extra judicial authority, he at last discovered that the mildest punishment which could be inflicted on one of these unfortunate gentlemen was, *transportation for fourteen years*. The Roman law left it at his discretion to give Muir either to the *gallows*, to *wild beasts*, or to *Botany Bay*. And of the whole he had happily selected the mildest! A judge had seriously supported such unaccountable nonsense from the bench. Recollecting that *torture* had been abolished, and dreading the consequences of a surrender of the prisoner to *wild beasts* in a civilized country, he put his invention to the rack, and at last hit upon the mild punishment of *fourteen years' transportation* beyond the seas!—They send the unjustly accused and convicted to herd with the most infamous and abject criminals, and even think this punishment is too mild for the offence. Were I to live in Scotland, I would conclude my life, my liberty, and my property insecure. I would place no confidence in enjoying either."

Mr. Fox then said, "It cannot escape the recollection of some gentlemen, that, not many years ago, there were associations in this country formed exactly on the same principles that Mr. Muir and his friends had formed their associations; and it is precisely for those very offences which were committed by those very associations in England, that Mr. Muir and Mr. Palmer are now condemned to transportation for fourteen years.—But it will be said, that the French revolution has changed the nature of affairs. It may be so; but I wish never to believe that what was once meritorious, what was once fit, and what was considered as the only means of preserving the liberties of our country, can, all of a sudden, have so changed

changed its complexion, can become so black and atrocious a crime, as to call down on the head of him, who so far reveres the constitution of England, as to wish to restore it to its primitive perfection, the unrelenting vengeance of persecution; while those very men, who perhaps set this fatal example, have fled into the arms of power, as into an asylum, and are now enjoying the emoluments of the highest places this kingdom knows, the wages perhaps of their apostacy. Yes, these unfortunate gentlemen have done what the chancellor of the exchequer and the duke of Richmond have done before them. They have done no more. Can the house forget the addresses of these two persons to the people? and this, not to petition for a reform in parliament, not simply to state the abuses, and, in the manner of suppliants, to pray for redress of those abuses; but to demand (I say demand) them as their right. As long as gentlemen shall remember the Thatched-House, and these very associations, it is impossible to forget their addresses to the people. O human folly and inconsistency! exclaimed Mr. Fox, why are these very men now exalted to the most envied stations, while the unfortunate Muir and Palmer are doomed to waste out their days in a dreary and inhospitable climate; the companions of outcasts and felons, of the most degraded of the human species? And have not we, at some period or another, all of us called assemblies? Have we not all of us been guilty of crimes which might send us to Botany-Bay? Happy I am to boast, that however I may disapprove of those violent prosecutions that have been conducted in this country against individuals on charges of sedition, which when compared with the trials now before us are merciful and humane; happy am I to boast, that it is my fortune to be a subject of, and to live in England. Were I a native of Scotland, I would instantly prepare to leave that land of tyranny and of despotism. Till such infamous laws be abrogated, you may

may talk of justice and juries; but all trials will be mockeries. Till these infamous laws are abrogated, the liberty of the subject is unsafe and unprotected, and Scotland, like France, is a land of despotism and oppression.

"Till such time as there is a law to send me to Botany-Bay for avowing my sentiments, I shall think it a duty incumbent on me to condemn the actions of those in power, whenever they call forth the general execration of mankind. If England, unhappily relapsing into despotism, should ever be governed by such principles, then farewell! a long farewell to our boasted freedom! And sure am I that no country connected with it can ever enjoy the blessings of civil liberty."

A bill which was brought into the house of commons to enable his majesty to take into British pay, and embody Frenchmen for the purpose of serving on the continent, afforded Mr. Fox an opportunity of delivering his sentiments on the emigrants, and the mischiefs that were likely to arise from employing them against their own countrymen.—"With respect to those unfortunate men, the emigrants," said he, "there is no man has more compassion for them, there is no man that feels more sincerely for their misfortunes and their situation, than I do. It is true I differ in sentiments and opinions with most of them. I disapprove of their conduct in many instances; but if this difference of opinion was a cause of withholding sympathy and compassion, this would be a miserable world to inhabit. Difference of opinion is, in my mind, one great cause of the improvement of mankind, because it leads to enquiry and discussion. It is my opinion that in politics as well as religion, toleration of opinion is wisdom; for upon this depends all the peace, I had almost said all the virtue, and, consequently, all the happiness of the world. This humane

doctrine is the great leading feature of the mild and beneficent system of christianity, and what has tended to render it such an inestimable blessing to mankind. I shall therefore by no means say any thing harsh of those men, though differing from them in sentiments; on the contrary, it appears from their conduct, that they are sincere in their professions. But because I sympathise with these men, is it necessary that I should pledge the faith of this country for the restoration of all they have lost by the revolution, and for the total subversion and destruction of the present ruling powers in France? Such a conduct, if adopted, would, in my opinion, expose this country to great and tremendous evils. Considering the present situation of France, I look upon this war in itself as formidable to this country and to its constitution. Whatever may be the objects to be attained by it in the minds of other men, I cannot tell; to me, two only seem most desirable to be entertained: the first, that its duration should be as short as possible; the second, that, in its prosecution, it should be as little bloody and savage as possible. I object to the employing the emigrants as militating against those two wishes of my heart; for it will certainly tend both to prolong the war, and render it more savage, bloody, and inhuman than any war which has ever disgraced the annals of nations."

Towards the conclusion of his speech, Mr. Fox broke out into a beautiful apostrophe to humanity. "It has been said, and truly," continued the orator and friend of the human race, "that one of the most evil consequences of war is, that it tends to render the hearts of mankind callous to the feelings and sentiments of humanity. When we daily hear of the massacres of such numbers of individuals that memory cannot even recollect their names! When we contemplate the slaughters at Lyons, at Marseilles,

Marseilles, at Bourdeaux, at Toulon! I much fear that the effect will be injurious to the morals of Europe: the misfortunes at these, and other places, are so great, that the mind is bewildered and amazed in the magnitude and complication of the misery. I am clearly of opinion, that the human mind may be made so familiar with misery, and scenes of horror, as at last to disregard them, or at least to view them with indifference. It is difficult always to preserve the acuteness of the feelings; and it is in my mind no small misfortune to live at a period when scenes of horror and blood are frequent. By the constant repetition of such scenes, our feelings are by degrees blunted; and in time we become indifferent to what would at first interest us with the most amiable sympathy and distress. Humanity, on this account, has been, by the stoics, deemed a weakness in our natures, and in their opinions impeded the progress of judgment, and consequently the improvement of morals; but my sentiments so widely differ from theirs, that I think humanity not only not a weakness, but the strongest and safest friend to virtue. No man can lament more than I do the mischief done to mankind by making the heart too familiar with misery, and rendering it at last indifferent; because, on the heart and on the feelings chiefly depend our love of virtue, more than on the wisest precepts of the wisest men. This humanity is one of the most beautiful parts of the divine system of christianity, which teaches us not only to do good to mankind, but to love each other as brethren; and this all depends on the sensibility of our hearts, the greatest blessing bestowed by Providence on man, and without which he would, with the most refined and polished understanding, be no better than a savage. In my opinion, the feelings of all Europe have already suffered by the repeated horrors of France; but, with regard to their cause, I confess it is my belief, that the French have in a great measure been driven to these violent scenes of

bloodshed and horror. It is with a nation as with an individual; for if an individual be placed in a situation in which he feels himself abandoned by the whole world, he finds that no one is his friend, no one is interested in his happiness or welfare, but all mankind, as it were, by general consent, his enemies, he must become a misanthrope and a savage, unless he possessed a mind more heroic and exalted than any we have a right to expect. Such was the situation in which France had been placed; almost all Europe united against that single people; not for the purpose of regaining any territory upon the Rhine, or restraining the strides of an ambitious monarch towards universal empire, as was the case of the combination against Louis XIV; not for the purpose of repelling an aggression, or to obtain reparation for an injury, or satisfaction for an insult, or indemnification for losses, and security for future peace, but for the open and avowed purpose of destroying a people, or compelling them to accept a form of government to be imposed upon them by force of arms; and that too, the form which, from every conjecture possible to be made, that which they most detest and abhor, their ancient monarchy. Can it be wondered at that the French, under such circumstances, are savage and ferocious? I do not say that it is the intention of the combined powers to compel them to return to their ancient form of government; it is enough that they are under the apprehension of it, and that almost the whole of Europe are leagued in arms against them; and no man can deny, that as a people, they have an equitable and moral right to resist such an attempt, and to refuse their submission to such dictation.

A right honourable gentleman (Mr. Burke) has drawn a pleasing picture of the happiness of the people of France under their monarchy, and bestowed what I consider an unmerited eulogium on that form of government.

ment. He tells us, that the French peasant then sat in happiness and security under his vine or his olive; now, I have certainly no pretensions to any thing like profound philosophical observation on men and manners, but I have been in France when this mild and temperate monarchy was in being, and have seen some of their peasants who, far from having any thing like security for the possession of any property they might have, it was altogether at the disposal of the higher orders; and their situation in general was, to all appearance, so replete with misery, so abject and so wretched, that they could not be objects of envy to the subjects of the most absolute despots upon earth. I know France has been called "a mitigated absolute monarchy;" but this I deny from experience, and contend, that it was most fierce and barbarous. I do not mean to compare the situation of the people of France, under their monarchy, with the situation of the people of this country, or with the situation of the inhabitants of Holland, or the United States, or the happy cantons of Switzerland; it is my intention to compare them with the inhabitants of Germany and Italy, and the other despotic governments of Europe, and to contend, that their situation was by far the most wretched and distressed of any of them. Seeing this to have been their situation, and apprehending the object of the combined powers to be to replace them in that bondage, it is not surprising that they are become furious.

"In a former debate, I heard it asked, whether if any of the emigrants employed by this country should be taken, and put to death, we were to retaliate? I heard also, in reply, a solitary, but dreadful *yes*. (Mr. Burke said yes.) Dreadful are the consequences that must follow the adoption of a system of retaliation; dreadful the situation in which these unhappy men will be placed, who must, if taken, be considered as rebels,

and

and put to death. As to these unfortunate men, the war will be a civil war to all intents and purposes; and every man knows that civil wars have never been distinguished for humanity.—An opinion which I am now about to state is perhaps, like many of my other opinions, singular; it is, that war ought to be carried on as merciful as possible, without any regard to persons. I cannot find this opinion either in books, or in the practice of Europe. Let us look to our own history, and to times called good. We have had, during the present century, in this country, two rebellions; did we then reverence this merciful maxim? Did we consider that the treason of every man was done away by his holding a commission from a foreign power? No; Mr. Radcliffe offered this plea, but it did not avail him, he was put to death. If the French were to land in this kingdom, and there chanced to be any body of people so abandoned to all sense of duty, so lost to the love of their country, so dead to their own interest and happiness, as to join them, would you pardon any of them who should produce a commission from the convention? You would not. If, therefore any of these persons are taken in the field of battle, is it to be supposed that the convention will respect the commissions granted by the king of Great Britain, or that they will afford them protection, or secure them from punishment? If you determine not to retaliate, in what a disgraceful and calamitous situation do you place those whom you employ! And if you retaliate, good God! in what horrors will Europe be involved! In whatever point of view we consider the measure, it appears highly objectionable; and, if adopted, will tend to render the war more bloody and of longer duration.

"If we take a view of ancient history, and see how wars have been conducted, and compare them with the present, we shall then see the

reason why the present war is more bloody, and more cruel, than any of those wars recorded in modern times. In all modern wars, the contest has been, generally speaking, concerning the possession of territory; at least the loss of territory, for the most part, has determined it; each acknowledging the independence of another as a nation; and therefore the parties, like two individuals at law, did not seek to destroy each other after their difference was determined. In ancient wars, the contest was between powers seeking the destruction of each other as a nation, and the extermination of each other as a nation. It is not my wish to take from the mild effects of the christian religion, which also has tended to soften the manners of men, but the merciful manner in which modern wars have been carried on, in comparison of the ancient, has resulted chiefly from this great difference between their objects. *Delenda est Carthago*, said the Roman senate. Athens conceived it was for her interest to destroy the government of Sparta, and *vice versa:* the Macedonians were convinced of the necessity of destroying the Greeks. To these wars of the ancients, the civil wars of modern times alone afford a parallel, because their objects are also to effect the destruction of governments; and for this reason, they are less merciful and mild than wars waged between independent sovereigns. The present contest with France may justly be termed a civil war, in the force, the acrimony, and savageness with which it is carried on, in which all Europe is involved.

"The combined powers have declared that the government of France must be destroyed, and that declaration has rendered the French desperate and cruel. This is a system at which humanity shudders; this is a system promoted by the present bill; a system openly avowed and maintained by those who support the principles of this measure. This system has

has already had its effects in this country; it has rendered the people callous; some through fear, a power which deprives a man of rationality; others from indifference, which prevents a man from exerting his intellects, and benumbs his feelings. To what but this can be imputed the excessive severity of the sentences lately passed upon individuals, (Muir, Palmer, Gerald, &c.) for having done nothing more than an honest man, acting perhaps under the influence of a misguided judgment, might conceive his duty; in doing nothing more than pursuing a little too closely the former steps of their present prosecutor? To what but this can be imputed the general disinclination of the house, and lastly, its absolute refusal, to interfere with these sentences? If any man, three years ago, had committed such an offence, and had received such a sentence, the house would have been fired with indignation, and interfered to prevent its execution. That punishment so enormous should be inflicted on gentlemen of a liberal education, and irreproachable manners, probably possessed of good hearts, and whose only crime so nearly resembled the virtues of other men, who even arrogated to themselves some merit on that head; that such men, for a bare misdemeanor, should receive a sentence worse than death; a sentence that has the certainty of death, without its immediate release from misery—a lingering, peevish infliction of a punishment, which, in cruelty, exceeds immediate death; and all this for a conduct not long since deemed meritorious. This is owing to the horrid examples of France, and arises from inordinate fear and miserable apprehension. Am I not, then, entitled to say, that this war is dangerous to the constitution of the country, since it tends so directly to extinguish, in this house, and in the people, that spirit which has hitherto guarded the constitution from the daily attacks of the executive power? Impressed so forcibly with these sentiments, I feel myself unable to with-hold my opinion;

nion; not from any expectation of being able to make any very deep impression on the majority of this house; that I am well convinced would be a hopeless expectation; but because I conceive it my duty so to do, that the public may be called upon to exert their judgment.

"There are two points more to be considered, and then I shall take my leave of the subject: first, the probable effect this system would have on the French character; and the other, the immense expense the measure might introduce in the public expenditure of this country. With regard to the first point, it is to be observed, that the French character is a marked one; and nothing is more prominent than an attachment to their country, which you may call patriotism or nationality, but it is the desire of having France appear great and magnanimous in the eyes of the world. Perhaps in this they have never been equalled, except by the ancient Romans. This ought to make us cautious as to what may be the result of employing any very considerable number of those men. Let us consider, that should we even succeed in placing Louis XVII on the throne, and a question of indemnity arises; perhaps these very French troops we have employed may take part against us; they may possibly have also other interests in betraying us. I do not mean to say that they will do it, but at the same time it will not be altogether discreet to hold out to them so great a temptation. But suppose we should fail in our attempts, and should be forced to return to the first objects of the war, what will then be the consequence? We shall become the sad spectators of the ruin we have roused: we shall hear these emigrants reproach us in this manner: "*We depended on your promises, and you have deceived us; we have relied on you with confidence, and you have thus prevented us from using any endeavour to reconcile ourselves to our country.*" We shall

 then

then be forced either to cast them out to the wide world in misery and distress, or to burthen the people of this country for their maintenance; a burthen that will be more heavy and less just than that in consequence of the protection afforded the loyalists in the American war. With regard to the expense, it is impossible to say to what extent it may go; and as our resources, like all human things, have their limits, we cannot be quite sure the people will be able to bear the burthen; nor can we be sure, supposing them able, they will be long willing to do so. When so desirable an end will be accomplished God only knows; but I contend that we should endeavour to accelerate the period of peace, and to make the war as little savage and ferocious as we can. This bill, as inimical to these two very desirable objects, which are so much the wish of my heart, shall have my decided negative."

When the bill for the suspension of the habeas corpus act was brought forward by ministers, Mr. Fox expressed his astonishment, that it should have been thought necessary to have recourse to a measure so sudden, so violent, and so alarming, and that too upon facts which had been notorious for years.—Was it pretended, he asked, that the great body of the people were dissatisfied with the government and the constitution? No such thing! It was the boast of ministers and their adherents, that every part of the country was most strictly united in love and attachment to the constitution. But the birth-right of Englishmen was to be taken away, because some low persons, without property, and without consideration, in the country, were found to entertain opinions about a parliamentary reform that were thought to be dangerous. How long," said Mr. Fox, will it take to eradicate these opinions from the minds of these men? Is it meant to keep them all in confinement under this bill? Ministers will be

be forward, I suppose, to disclaim any such intention. What then do they mean to do? To suspend one of the grandest principles of the constitution of England, until there shall be found no men within the kingdom tinctured with discontents, or who cherish the design of reform. If they mean to suspend the habeas corpus act until such time, there is an end of it in this country. What do they declare by this to all mankind? That there is no period when it will be possible to restore to the country this grand and inestimable right; that the constitution of England is fit only for an Utopian society, where all men live in perfect concord, without one jarring sentiment, without one discontented feeling; but that it is utterly unfit for a world of mortal and mixed men, not fit for any state of society that ever did exist upon the face of the earth, or that is ever likely to exist. Never, never then, upon this doctrine, is it probable that we shall ever recover this most essential part of the British constitution; for it is not the will of Providence that society should be formed so perfect and unmixed, so free from all passions, as to meet the ideas upon which it is contended that the constitution of England could with safety be conferred upon them."

With regard to the popular societies, then the objects of so much real or pretended alarm, Mr. Fox said, "Though there are among those societies men of low and desperate fortunes, who may be ready to embrace any enterprize, however hazardous; and though there may be others, whom, I believe, from their characters, to possess wicked intentions; yet still this is no argument with me for throwing forth a general obloquy on measures that are in themselves harmless. To deny to the people the right of discussion, because, upon some occasion, that right has been exercised by bad or indiscreet men, is what I cannot subscribe to. The

right of popular discussion is a salutary and an essential privilege of the people. We all entertain becoming respect for the executive government, that is, for the chief magistrate of the kingdom, but our respect for the king does not prevent the vigilance of parliament. In my opinion the best security for the due maintenance of the constitution is in the strict and incessant vigilance of the people over parliament itself. Meetings of the people, therefore, for the discussion of public objects, are not merely legal, but laudable; and unless it is to be contended that there is some magic in the word *convention*, which brings with it disorder, anarchy, and ruin, I can perceive no just ground for demolishing the constitution of England, merely because it is intended to hold a meeting for the purpose of obtaining a parliamentary reform. With respect to their plan, that of universal suffrage, I never had but one opinion on the subject. I have constantly and uniformly considered universal suffrage as a wild and ridiculous idea. When my noble relation (the duke of Richmond) had one day taken pains to explain his ideas on this subject, a learned and ingenious friend of his said to him, with as much truth as wit, "My lord, I think the best part of your grace's plan is its utter impracticability." I have always been of opinion that it was utterly impracticable; and though I cannot agree with the opinion, that rather than continue the present state of representation, I would incur all the hazards of universal suffrage, yet I am ready to say, that the measures of last year, the horrid and detestable prosecutions, the scandalous sentences that have been passed, and the scandalous way in which they have been executed, do not tend to make me wish less than heretofore for some reform, that shall protect the country against the recurrence of such abuses.—If the habeas corpus act be suspended on such slight arguments as have been advanced this night, and we are to go on step by step, as we are threatened, with the introduc-

tion of the Scotch criminal code, with the extinction perhaps of the trial by jury, and I should then be asked what is my opinion, I do not know but I should be ready to prefer any change to such a horrid situation as the country would then be reduced to. I am ready to own, that the events which have lately passed in France have made a most powerful impression on my mind. I should not do justice to myself if I did not frankly confess, that they have served to correct several opinions which I previously held; they have served also to confirm many former opinions. They have convinced my mind of the truth of an observation of Cicero, one of the most common, which is early taught in our grammars, but from which, when a boy, my heart revolted. It is this:

"Iniquissimam pacem justissimo bello antefero."

"I had, in the ardour natural to youth, thought this a most horrid and degrading sentiment. What, give up a just and glorious cause, merely on account of the dangers, and perhaps the miseries of war! When I came to maturer years, I thought the sentiment at least doubtful; but I am now ready to confess, that the events of the French revolution have made the wisdom of the sentiment clear and manifest to my mind. I am ready to say, that I can hardly frame to myself the condition of a people in which I would not rather covet to continue, than advise them to fly to arms, and strive to seek redress through the unknown miseries of a revolution. Our own glorious revolution was happily clear of all these horrors; that of 1641 shewed a great deal of this kind of calamity; but the French revolution has exhibited the scene in its most shocking aspect. The more, however, that my heart is weaned from such experiments, the

the more I detest and abhor all acts on the part of any government, which tends to exasperate the people, to engender discontent, to alienate their hearts, and to spirit them up to resistance and to the desire of change. The more I deprecate resistance, the more I feel bound to oppose all foolish and presumptuous acts on the part of government, by which they shew disdain for the feelings of the people, or by which they strive to keep down all complaint by inhuman severities. I am convinced that wise men, deliberately weighing the relative duties of government and people, and judging of human nature as it is, would see the wisdom of mutual concessions, would recommend incessant conciliation, and would deplore all the measures which could exasperate the minds of the people to wish for the horrors of a change. Nothing is so clear from all the history of England, as that we have never been so fortunate as when the government has conciliated the people; never so miserable, as when a wretched system of persecution has been unhappily and unwisely adopted by ministers. Persecution has never been successful in extirpating opposition to any system either religious or civil. It is not merely the divinity of christianity that has made it triumph; for other religions, certainly not divine, but which were founded in imposture, as well as a number of the wildest sects, have thriven and flourished under persecution, on account, as I believe, of that very persecution. The human mind is roused by oppression; and so far from yielding to persecution, exerts all its energies in consequence of the attacks it has to encounter. Is it believed, that if there is a party in this country, who cherish in their hearts the desire of reform, that the sentiment can be extirpated by exercising over the individuals legal severities? Impotent are the men who think that opinions can be so encountered. There are some things that are most successfully vanquished by neglect. America held out to us the true course and the wise

wise feeling. Let us, like her, demonstrate to every man the blessings of our system. Let us make the people proud to court comparison; and strive rather to add new blessings to those they enjoy, than to abridge those they already possess."

Before the prorogation of parliament, Mr. Fox made a motion for peace, not from any expectation, he said, that the house would coincide with him in opinion, but to afford an opportunity of reviewing the situation of public affairs, and of drawing those inferences which past transactions might seem to warrant. He concluded with moving a series of resolutions, the principal of which imported, that it was the duty of his majesty's ministers to promote a pacification by every means in their power, by proposing to France equitable and moderate conditions; and above all things, by *abstaining from any interference in the internal affairs of France.*—That it was the opinion of the house, that in every possible case, it was equally desirable that his majesty should make a clear declaration of his views. If it was the intention not to interfere in the internal government of France, nothing could contribute so much to advance a negociation with those who exercised the power of government in that country, as such a declaration solemnly and explicitly made. If, on the other hand, it was intended to interfere, it was highly essential to make the degree of interference precisely known, to induce such parts of the French nation as were dissatisfied with the present government to unite and exert themselves with satisfaction and security."—The previous question was carried on these resolutions by a majority of 208 to 55. Thus were the prudent and reasonable warnings of this great man neglected, and the blood and treasure of the nation lavished on a war, of which ministers were afraid or ashamed to confess the real objects.

In

In the ensuing session of parliament Mr. Fox continued to resist with unabated zeal the pernicious system of terror, alarm, and persecution, which at this period distinguished Mr. Pitt's domestic administration, and to expose, with the most pointed severity, the folly, imbecility, and profusion of his foreign politics. On the 24th of March 1795, he moved, in a most able and luminous speech, "That the house of commons should resolve itself into a committee, to enquire into the state of the nation." This solemn mode of enquiry ought not, he observed, ever to be resorted to but in cases of peculiar emergency, and such he esteemed the present. He had himself introduced a similar motion, in 1777, after the surrender at Saratoga; but the perils to the country were then trifling and insignificant compared with what they were at present. A general discontent was diffused through the country, from the idea that the house of commons was not the representative of the people; and what better arguments could dissatisfied people have, than to say that at such a moment the house of commons did not attempt to bring the executive government to account, or enquire into the measures which had uniformly produced such calamity and disaster? If when the public mind was evidently changed, the house should continue to repose a blind confidence in ministers, to impose new burthens on the people, not only without requiring them to negociate, but without even demanding of them any account of the blood and treasure they had squandered, and should further resist a motion for enquiring into the use they had made of the confidence already granted them—great advantage might be given to whoever wished to disseminate disaffection.—In justification of his motion, nothing more, he thought, was necessary than to state to the house, that, after a war of two years, we had been uniformly unsuccessful, had lost the objects for which the war was said to be undertaken, while the enemy had gained more than the wildest

wildest imaginations ever ascribed either to their ambition or their principles. An enquiry, such as was necessary, divided itself into various branches. The first object was an examination into our resources of money, of men, and of the probability of using them effectually. 1st, our resources arose from our trade, manufactures, and population. 2nd, From our allies, their will and power to serve the common cause. And 3d, The principles of the war, and our conduct in it. Upon that all eyes would be turned; and by retaining the character of moderation and justice, we could alone procure the resources of vigour, wisdom, and prudence. These are the most essential parts of our resources; for should it turn out as ministers asserted, that we had entered upon the war with vigour, and conducted ourselves with prudence and moderation; if a system of wisdom and vigour was productive of such calamities, the result would be absolute despair. An enquiry must, in this view, be favourable to ministers; if they had acted thus, it was manifest the cause of failure lay in the principle itself, and not in them. But if they had not acted with wisdom and vigour, it might be seen that the principle was good, though the conduct had been defective. They must, upon enquiry, either change the principle, or censure the conduct; and it was highly necessary to ascertain this essential truth.

The house of commons, Mr. Fox said, had a right to demand an enquiry into the conduct of the king of Prussia. Was he an ally? Was he a neutral? Was he an enemy? Perhaps the king of Prussia might argue, that as the war was undertaken against jacobinical principles, he rendered the greatest assistance to the allies by attacking Poland. That monarch had alledged that he could do nothing without a subsidy: we had given him 1,200,000 l., and the use he made of it was to invade Poland.

With respect to the emperor, we were to give him four or six millions, which ever he pleased to accept, and if he chose to withdraw in the middle of the campaign, we could not, and had no check on his conduct. What was, however, still more material, was, that next year he would be equally unable to move without another loan; and Great Britain must sustain the whole weight of the war. Though great subsidies were also paid to the Italian princes, we scarcely heard of a movement in that country; and as to Sardinia, would its neutrality not have been as serviceable to us as the diversion it had made? Spain had lost Navarre, Biscay, and Catalonia, and must also be subsidised, or soon make peace with the enemy. All this called for enquiry. It was the duty of the house to examine whether our conduct had been such, from the commencement of the war, as entitled us to the good opinion of the virtuous and enlightened part of mankind.

Mr. Fox next proceeded to examine what was the conduct of ministers towards neutral powers. "I am one of those," said he, "who firmly believe, as much indeed as man can believe any thing, that the greatest resource a nation can possess, the surest principle of power, is strict attention to the principles of justice. I firmly believe that the common proverb, of honesty being the best policy, is as applicable to nations as to individuals; that this, which the conviction of mankind has made an axiom, is universally true. If therefore we have been deficient in justice towards other states, we have been deficient in wisdom, and have enfeebled our arm in our efforts against the enemy.—It is of infinite importance to a nation that respects its honour—that even respects its interest, which is inseparable from its honour—to gain the good opinion of surrounding nations for justice, magnanimity, and moderation. Has Great

Britain done this or the reverse? What has been your conduct to America, whom you first shamefully injured, and then servilely courted?—To Sweden, to Denmark, to Genoa, to Tuscany, and to the Swiss Cantons?"

Mr. Fox, after dwelling for some time on the peevish and offensive memorials presented to the different neutral courts, and passing some high compliments on the wisdom and firmness of the Danish minister, count Bernstorf, Mr. Fox insisted once more, in the strongest terms, upon the necessity of a specific avowal of the war. Ministers, he said, should either declare the form of government in France immaterial, and that we fought to repel an unprovoked aggression, and to protect the Dutch, or, according to the idea of Mr. Burke, we should have declared that we took up arms for the restoration of the monarchy in France, and of the emigrants to their property, and the re-establishment of ancient institutions. But ministers had so shuffled and trimmed between different systems, they had dealt out their declarations and professions in such ambiguous language, that they had lost all claim and title to confidence; and, through the childish hope of embracing the incompatible advantages of these different plans, they had forfeited every benefit to be derived from the decided adoption of any one of them.

With respect to the preceding disastrous campaign, Mr. Fox said, our great and leading error was, confidence in the king of Prussia, in the Belgians, and in the Dutch. It was evident *a priori* that our confidence was ill founded, and *a posteriori* it had proved to be so. We told the people of the Austrian Netherlands that we were fighting for their religion, and the people of the United Provinces, that we were fighting for

their liberties; but they did not believe us. We forced the Dutch into a war, which they had no inclination to undertake. "So early as the beginning of the year 179-," said Mr. Fox, "I stated it as my opinion, that the Dutch would not demand our assistance. I was answered that they durst not demand it, but that this was no reason for our withholding it, and that if it was offered, they would not refuse it. I replied that I believed the case to be exactly the reverse, and that if you offered your assistance, although the Dutch might not desire it, yet they durst not refuse it. All that has happened since has confirmed my opinion. While we were fighting, the Austrian Netherlands, the Dutch gave us but feeble and reluctant aid. When we were driven out of the Austrian Netherlands, and the United Provinces were to be defended, the Dutch, instead of rising in a mass to defend them, joined in welcoming the French."

Mr. Fox next adverted to the situation of Ireland, and contended that the irritated state of that country was solely to be imputed to the misconduct of his majesty's servants. If the house refused to make any enquiry into these things, they would make themselves responsible for all the calamities which might and probably would ensue. He thought highly, he said, of the eloquence, and even of the talents of the minister, as exerted in a particular line; but he was a minister of art and plausibility merely, not of discernment, not of candour, not of generosity—*in rebus politicis, nihil simplex, nihil apertum, nihil honestum.*

In reply to an observation made by Mr. Pitt, that his conduct, if not counteracted, would tend to lower the dignity of the country, Mr. Fox indignantly said, "I desire to know, and I ask the minister to inform me, if

if he can—I ask any man in this house to inform me, when it was that I endeavoured to lower the dignity of this country? He alluded to the present war—what had been his conduct, and what did I advise this house upon that subject? I would have offered reasonable terms to France before the war commenced, and for that purpose I proposed a negociation: he affected to disdain it. What has been the event? Will even he himself now attempt to say, that there is a chance of making so good a peace at this time as we might have had then? Does he even hope that he can ever negociate with France in a situation less dishonourable to us than the present? I would have negociated with them before a fight. He must negociate after a fight, and after a defeat too, if he negociates at all. I would have negociated with them while we were rich in our resources, and our commerce was entire. He must negociate when both are desperately impaired. I would have negociated before our allies were defeated, and while they were yet supposed to be in union. He must negociate after victory has been declared in favour of the enemy, and the allies have been deserting us, and abandoning one another.—It is with heartfelt satisfaction I reflect, that in every thing I ever proposed, I have supported the true dignity of this country; and I regard it as a circumstance of good fortune to me, that *I never gave an opinion by which one drop of British blood was shed, or any of its treasure squandered.*" On this occasion the minority received a small accession of strength, 63 voting for Mr. Fox's motion, against 219 who resisted enquiry.

Early in the ensuing session of parliament, a bill was brought forward by Mr. Pitt, (in consequence of some outrages offered to the king in his way from St. James's to the house of lords, and of some popular meetings that had been held in St. George's Fields and elsewhere,) for the prevention

tion of seditious meetings. The uncommon severity of the provisions of this bill, and its execrable spirit, excited the lively indignation of all the friends of freedom. The object of the minister, whose conduct had rendered him justly odious to the nation at large, was to put an end to all public discussion, and free investigation of public measures. To effect this abominable design, the bill enacted that no public meeting should be held without leave previously obtained of a magistrate, who was to be present at the meeting, and was empowered, if any thing of a seditious tendency appeared, to dissolve it, and any resistance to his authority was declared to be felony. By another clause of the bill, public lectures on political subjects and debating societies were prohibited, and even lectures on philosophical subjects were put under various restraints. On the first reading of the bill, November the 10th, 1795, Mr. Fox rose to express his abhorrence of its principles. He declared that the indignation he felt at the atrocious outrage offered to the king on the opening of the session, was not inferior to that of any man, but he should do injustice to his feelings were he not to avow that it was equalled by the indignation he experienced in consequence of the motion he had just heard. An attempt had been made, he said, to ground the necessity of the bill on the proceedings of the assemblies so highly reprobated by ministers, who contended that they struck at the existence of parliament itself: but if such were the real case, were not those who broached these rebellious tenets amenable to the law, and liable, on conviction, to condign punishment? There was no evidence, he affirmed, that the late outrages, though justly complained of, originated in the meetings alluded to. Proclamations were no evidence; they were the fabrication of ministers, frequently to serve the worst purposes. Public discussions, on national subjects, he contended, were not only legal, but the very life's blood of the English constitution;

constitution; and without them no liberty could subsist. The bill, it was said, would not prevent, but only regulate them. "But attend," said Mr. Fox, "to the regulation; I thought that I knew the rights of men, and the rights of Englishmen." [Here Mr. Fox was interrupt d by cries of hear from the treasury benches:] "What," continued he, "do you suppose it a slip, and that the rights of man is a sentence without a meaning? Have men no natural rights? If so, Englishmen's rights can have no existence. But the rights of man, I say, are clear: man has natural rights, and he who denies it is ignorant of the basis of a free government: he is ignorant of the first principles of ours, for these rights are connected with the best parts of the history of our country."—The people, Mr. Fox continued, who had an unalienable right to deliberate on their grievances, and to demand redress from the legislature, were forbidden by this bill to exercise these rights without the attendance of a magistrate, and previous notice to him of their intention. He was empowered to arrest any one present, whose words he might think proper to call seditious, and even to dissolve the meeting at his own pleasure. "Say then at once," Mr. Fox exclaimed, "that a free constitution is no longer suitable to us. Conduct yourselves at once as the senators of Denmark did: lay down your freedom, and acknowledge and accept of despotism, but do not mock the understandings and the feelings of mankind, by telling the world you are free. Can a meeting under such restraints as the bill imposes and requires be called a meeting of freemen? Will the people of this country suffer their feelings to be thus insulted? Or is it possible that they can regard this measure in any other light than as a total extinction of their liberty?"

Mr. Fox hoped that the people would perceive the danger which threatened

threatened their freedom, and meet together, while it was still lawful, to consult in what manner to preserve it from the infringement designed by the bill proposed, and to express their detestation of it. Those who failed to do so, he pronounced traitors to their country; and concluded with declaring, that if the bill was persisted in, he would move a call of the house.

The motion for leave to bring in the bill being carried by a majority of 214 to 42, Mr. Fox moved for a call of the house, which was acceded to by the minister, and fixed for the 24th of November. Mr. Fox, at the same time, declared, that if the principle of the measure were admitted by the house, he would take no part in the discussion of the detail. Accordingly on the third reading of the bill, on the 27th of November, Mr. Fox, attended by the principal members of the opposition, left the house.

But however fruitless were the efforts of Mr. Fox to awaken the house of commons to a proper sense of the blessings of liberty, and a just apprehension of the fatal designs of a corrupt and tyrannical administration, his speeches at the meeting of the inhabitants of Westminster, and at the whig club, produced a most powerful impression on the public mind, and occasioned petitions from all parts of the kingdom to be presented to parliament against the bill, and another of a similar tendency introduced by lord Grenville. Never did his popularity run higher; never was his matchless eloquence more nobly exerted in defending and vindicating the rights of the people.

From this period, for a considerable time, Mr. Fox took very little share

share in the proceedings in parliament; but, on the 10th of May 1796, a few days before the close of the session, he moved an address to the king, in which the misconduct of his servants was described with unanswerable force and ability *. Mr. Fox's motion, as usual, was negatived by a pro-

* This address, a lasting monument of the political wisdom of one statesman, and of the political frenzy of another, declared, "That the duty incumbent upon parliament no longer permitted them to dissemble their deliberate opinion that the distress, difficulty, and peril, to which their country is now subjected, have arisen from the misconduct of the king's ministers, and are likely to subsist and increase as long as the same principles which have hitherto guided those ministers shall continue to prevail in the councils of Great Britain. It is painful to us to remind your majesty of the situation of your dominions at the beginning of the war, and of the high degree of prosperity to which the skill and industry of your majesty's subjects had, under the safeguard of a free constitution, raised the British empire, since it can only fill your mind with the melancholy recollection of advantages wantonly rejected. Nor shall we presume to wound your majesty's benevolence, by dwelling on the fortunate consequences which might have arisen from the mediation of Great Britain between the powers then at war, which might have enforced the permanence of our prosperity, while it preserved all Europe from the calamities [illegible] mediation which this kingdom was so well fitted to carry on with vigour and dignity, by its power, its character, and the nature of its government, happily removed at an equal distance from the contending extremes of licentiousness [illegible]. From this neutral and impartial system of policy your majesty's ministers were induced to depart by certain measures of the French government, of which they complained as injurious and hostile to this country. With what justice these complaints were made we are not now called on to determine, since it cannot be pretended that the measures of France were of such a nature as to preclude the possibility of an adjustment by negociation; and it is impossible to deny that the power which shuts up the channel of accommodation must be the real aggressor in war. To reject negociation is to determine on hostilities; and whatever may have been the nature of the points

a prodigious majority; and in a few days afterwards parliament was dissolved by proclamation. "Thus happily" (to borrow the words of an historian,

in question between us and France, we cannot but pronounce the refusal of such an authorised communication with that country as might have amicably terminated the dispute to be the true and immediate cause of the rupture which followed.

"Nor can we forbear to remark that the pretences under which your majesty's ministers then haughtily refused such authorised communication have been sufficiently exposed by their own conduct in since submitting to a similar intercourse with the same government.

"The misguided policy which thus rendered the war inevitable appears to have actuated your majesty's ministers in their determination to carry it on at all hazards. At the same time we cannot but observe, that the obstinacy with which they have adhered to their desperate system is not more remarkable than their versatility in the pretexts upon which they have justified it. At one period the strength, at another the weakness of the enemy, have been urged as motives for continuing the war; the successes as well as the defeats of our allies have contributed only to prolong the contest; and hope and despair have equally served to involve us still deeper in the horrors of war, and to entail upon us an endless train of calamities.

"After the original professed objects had been obtained by the expulsion of the French armies from the territories of Holland and the Austrian Netherlands, we find your majesty's ministers, influenced either by arrogance or by infatuated ambition, and the vain hopes of conquests which, if realised, could never compensate to the nation for the blood and treasure by which they must be obtained, rejecting unheard the overture made by the executive council of France, at a period when circumstances were so eminently favourable to your majesty and your allies, that there is every reason to suppose that a negociation commenced at such a juncture must have terminated in an honourable

and

historian, whom I have had occasion before to quote with applause, Mr. Belsham, a writer equally distinguished for the elegance of his language and

and advantageous peace; to the prospects arising from such an opportunity they preferred a blind and obstinate perseverance in a war which could scarce have any remaining object but the unjustifiable purpose of imposing upon France a government disapproved of by the inhabitants of that country; and such was the infatuation of these ministers, that, far from being able to frame a wise and comprehensive system of policy, they even rejected the few advantages that belonged to their own unfortunate scheme. The general existence of a design to interpose in their internal government was too manifest not to rouse into active hostility the national zeal of that people; but their particular projects were too equivocal to attract the confidence or procure the co-operation of those Frenchmen who were disaffected to the government of their country. The nature of these plans was too clear not to provoke formidable enemies, but their extent was too ambiguous to conciliate useful friends.

"We beg leave farther to represent to your majesty, that, at subsequent periods, your ministers have suffered the most favourrble opportunities to escape of obtaining an honourable and advantageous pacification. They did not avail themselves, as it was their duty to have done, of the unbroken strength of the general confederacy which had been formed against France, for the purpose of giving effect to overtures for negociation. They saw the secession of several powerful states from that confederacy, they suffered it to dissolve without an effort for the attainment of a general pacification. They loaded their country with the odium of having engaged in a combination charged with the most questionable and unjustifiable views, without availing themselves of that combination for procuring favourable terms of peace. That from this fatal neglect, the progress of hostilities has only served to establish the evils which might certainly have been avoided by negociation, but which are now confirmed by the events of the war. We have felt that the unjustifiable and impracticable attempt to establish royalty in France by force has only proved fatal to its unfortunate supporters. We have seen with regret the subjuga-

But however strongly the public voice was declared in favour of Mr. Fox and the whig party, in Westminster and other populous places, it was soon found that the new house of commons retained a full share of the old leaven, and that what, by an insulting mockery of terms, is called an appeal to the sense of the people, had produced no diminution of the ministerial majorities. The bulk of the nation, it was well known, anxiously desired the return of peace, and the restoration of those privileges which the fears or the malice of a treacherous and apostate administration had wrested from them; but, in the house of commons, where their voice ought to have been heard, and where their wishes ought to have been attended to, owing to the corrupt state of the representation, the minister was enabled to maintain his majorities, and to persevere, unchecked, in his mad and destructive career.

Parliament met early in the month of October 1796; and the king's speech breathing pacific sentiments, Mr. Fox congratulated the house that his majesty had at length been advised to do what it had fallen to his lot so repeatedly to advise for the last three years, namely, to open a negociation for peace; but he could not help lamenting that this measure had not been adopted before a hundred millions of money had been squandered, and thousands of lives been sacrificed, in this bloody and fruitless contest. He, who thought the war was originally unnecessary, and that every moment since its commencement was a proper moment for commencing a negociation for peace, could not object to the measure which his majesty had announced he had been advised to take in the present moment.—"I will not," continued Mr. Fox, "say one word about the particular and the fit time for such a measure, all times appearing to me to be equally wise and salutary for endeavouring to restore to the people the blessings

blessings of peace. Nor will I recollect, much less retaliate, the personal invectives that were thrown out against myself—that an attempt to negociate with such a people, was to lay his majesty's crown at their feet, and that it was a degradation to the honour and dignity of Great Britain—that to propose to open a negociation was in fact to sue for peace, and that such conduct was neither dignified nor political. Such was the language of the last parliament, and such were the animadversions made on the advice which I then gave. I will content myself with repeating what I then said, that "*to propose a negociation is not to sue for peace.*" It is at every moment dignified and proper to strive to restore the blessings of peace; and it is certainly one thing to propose a negociation in which the terms are to be fairly and manfully discussed; and another to sue for peace. He who objects to this distinction is not animated by that feeling which ought ever to be uppermost in the mind of a statesman—an anxious desire of shortening the calamity of war, and of paving the way, by every practical means, to the restoration of the blessings of peace. He ought ever, therefore, to make it manifest in his conduct, that no career of conquest, and no reverse of fortune, could divert him from that single object—a negociation for peace in preference to any other object."

Mr. Fox praised ministers for having omitted in the king's speech phrases to which they had been so bigotted before, of the war having been undertaken "for the cause of religion, humanity, and social order." These words, he said, were calculated only to inflame and exasperate the two nations against each other, and to set the probability of peace at a greater distance. He was also glad that they had not come forward with the constant and unfounded phrase, "that the war was necessary."

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In reply to an insinuation in the address, that the domestic tranquillity which happily reigned in the country was owing to the two degrading, abominable, and abhorred acts, passed in the last session of the preceding parliament, Mr. Fox denied that it was in the nature of such laws to produce tranquillity. "They may, indeed," said he, "produce a forced calm, but this I consider as a real alarm. Where discussion is stifled, and men are condemned to brood in secret over the grievances which they feel, such a tranquillity is more alarming than tumult. It is a tranquillity which every man who loves freedom ought to see with pain, and every man who loves order to contemplate with terror. To the protection of the ancient constitution alone I ascribe that undisturbed tranquillity which the country has enjoyed. Let me then, Sir, be clearly understood, that I do not join in this insinuation of praise upon these abominable laws, nor ascribe to them effects to which I believe them inapplicable. Much as I wish for a general approbation of the measure of endeavouring to procure peace to this country, yet, Sir, I should think it was purchased at too dear a rate, if coupled with the approbation of these abhorrent laws; and I have thought it my duty to say so much, that my vote may not be misinterpreted into an acquiescence of that part of the address. I am one who think that the whole system of the war has been a faulty system; that the system of domestic politics has been equally so; I must, therefore, be of opinion, that whatever the result of the negociations may be, it will still be the duty of the house to re-consider the general system of politics adopted of late years, and whether it be possible to go on if that system be persevered in. Peace certainly is the great object: it is preferable to any single object of policy; but whether peace will be effectual if there be no change in domestic politics, may be a matter of doubt. That peace, however, will be beneficial, whatever may be the system

pursued,

pursued, I am ready to assert. If the system continue to be bad, peace will diminish the calamities of it; if it be amended, peace will augment the benefits of it.—In one case it will be a palliative, in the other it will be a remedy; in either case it cannot but be productive of good, and therefore it shall have my warmest support."

Some estimate may be formed of the temper and materials of the representatives who composed the house of commons at this period, and of the so much vaunted constitutional principles of Mr. Pitt, from a circumstance which was disclosed on the opening of the budget, in the beginning of the month of December. It appeared that Mr. Pitt, previous to the dissolution of the preceding parliament, had advanced various sums of money to the emperor of Germany, to the amount of about 1,200,000 l., and the house of commons was now called upon to sanction with its approbation the dangerous and illegal proceeding. This scandalous and unconstitutional conduct of the minister was attacked by Mr. Fox with great severity, and became a subject of warm discussion. When the matter first transpired, Mr. Fox called upon those gentlemen, who had been members of the preceding parliament, to recollect that for the last three months of that parliament, not a week had elapsed in which the minister was not called upon to declare, whether his majesty meant to grant any pecuniary assistance to the emperor.—Did the minister mean to say that he intended to give it to him, but that he thought his own authority was sufficient for that purpose; that it was superfluous to submit such a subject to parliament? Perhaps he did. He might borrow an example from his own conduct to keep the measure in countenance. It was of a piece with his advice to his majesty to continue him in office against the declared opinion of the house of commons in 1784. But now he had gone

one step farther, for he had shewn to the people of Great Britain, that he thought himself a better judge than the parliament of Great Britain, to whom their money, and how much of it also, should be given.—"I wish to know," said Mr. Fox, "upon what principle it is that the minister takes this power upon himself, rather than refer it to the commons of Great Britain, to whom, and to whom only, it constitutionally belongs.—Did he give you any intimation of his having advanced this money before you were called together? Did he give you any intimation of it before this very night, when he comes before you with his fresh burthens on the people? Not a word! For this conduct, I say, he ought to be *impeached.*"

Mr. Fox then proceeded to observe, that the minister had that night omitted the brilliant comparison which he had so often made between the French and English finances. The French had been stated week after week, and month after month, to be not on the verge, but in the gulf of bankruptcy. He had omitted also to state that the French had, by becoming the allies of the Dutch, partaken of their sluggishness. He did not know, he said, whether the French had passed the gulf of bankruptcy. He hoped they had, for while they were in it, they were most dreadful enemies to this country.—The minister, continued Mr. Fox, year after year calculated upon the events of the war, and year after year the public had been misled by his calculations. What security had the house and the public that the minister would not miscalculate in future as he had already done, so often in the course of the war. By his miscalculations he had added to the debt of the country one hundred and fifty millions, and rivers of human blood had been made to flow all over the world. The minister at length talked of peace, and he hoped in God we should soon

enjoy

enjoy that blessing; but as the minister was particularly fond of his own calculations, he wished he would, some day or night, sit down in his closet, and calculate *what a sum of human happiness he had destroyed by his false calculations already; what a waste of human life he had occasioned;* and all this because he could not sooner discover that the French "were not capable of maintaining the relations of peace and amity *."

When the papers relative to lord Malmsbury's unsuccessful mission to Paris came under the consideration of the house, (Dec. 30th, 1796,) Mr. Fox, in a most splendid and luminous speech, marked with all the ingenuousness, the exalted honour, and profound political discernment which had so long distinguished the parliamentary efforts of that great and unrivalled statesman, took a view of the leading causes which had produced

* Mr. Fox resumed the subject with great force and eloquence in subsequent debates, and on the 14th of December moved, "That his majesty's ministers having authorised and directed, at different times, without the consent, and during the sitting of parliament, the issue of various sums of money for the service of his imperial majesty, and also for the service of the army under the prince of Condé, have acted contrary to their duty, and to the trust reposed in them, and have thereby violated the constitutional principles of this house." This motion, which in the reign of George II. would probably have been followed by another for impeaching the minister who had had the audacity to commit so flagrant a breach of the privileges of the commons, was negatived by a majority of 185 to 81, and an amendment carried in favour of Mr. Pitt; such was the venality, the blind confidence, or the deplorable want of spirit in that body of men, who, by our ancestors, were emphatically denominated *the guardians of the public purse*, but who now, with the exception of one transient gleam of sunshine that broke over their heads, and for a moment redeemed them from the public scorn, may justly be stigmatised as willing servants of corruption, zealous patrons of abuses, the steady, inflexible enemies of reform.

the failure of the negociation. He commenced with observing, that it was impossible to survey the situation of the country but with the most serious and painful reflections, and feelings of the deepest regret. After a war of four years, which they had been repeatedly told had been honourable and advantageous to the British arms,—after the immense expenditure of treasure incurred—after the enormous effusion of human blood—after the incalculable additions to human wretchedness, so far were we, he said, from having gained any of the objects for which we embarked in the war, so far were we from having achieved any advantage, the minister had that night come forward in a most elaborate speech to prove, that the enemy have become more unreasonable than ever in their pretensions. If we may believe the right honourable gentleman, a war of four years, far from having produced any change of disposition in the enemy, has only served to increase the insolence of their style, and the exorbitance of their pretensions. It would have been some consolation, if, after the right honourable gentleman had stated at such length, and with such an elaborate display of eloquence, the extravagance of these demands, he had suggested some means of reducing them. How often have we been told that the resources of the French nation were exhausted? But has it not been found from experience, that in proportion as the finances of the French have been acknowledged, even by themselves, to be at the lowest ebb, in the same proportion have their exertions been found wonderful and unparalleled. After the egregious failure of all his former predictions, what claim could the minister possess to the confidence of the house, in that crisis to which his measures had reduced the country?—France appeared as the conqueror of most important and extensive territories. Belgium was annexed to her empire; great part of Italy had yielded to the force of her arms, and Holland was now united to her fate by bonds of the strictest alliance.

liance. If, indeed, these acquisitions could be regained to the cause of Great Britain and her allies by magnificent boasts or pompous declamations, if the tide of victory could be turned by dexterity of debate, and the efficacy of our exertions bore any proportion to the insolence of our boasting within these walls, then indeed we should not have been reduced to the necessity of negociating for restitution, but have dictated terms of peace long ago in the heart of Paris. We were not at all deficient on the score of confident exertion, or presumptuous menace. But it was by other means, by other criterions, and by other trials, that the conduct of ministers was to be measured.

"Weak and inconsiderable," said Mr. Fox, "as I am in this house, I did my utmost, previous to the commencement of this unfortunate contest, to persuade the government to send an ambassador to Paris, when undoubtedly he would not have met with the treatment which an ambassador of Great Britain is alleged to have received. But when they say that this ambassador was dismissed in a way unexampled in the history of civilized nations, they surely must have forgot the manner in which M. Chauvelin was sent from this country. At a subsequent period, when the whole of Belgium was regained, when the French were not possessed of one foot of ground in that territory, did I then neglect my duty to my country? No! I then renewed my motion for peace. This was at the period before the powers combined against France had gained the fortress of Valenciennes; but when it was certain that it must fall, I contended then it was the period to make peace. And now I ask, if an attempt had been then made to negociate, whether we might not have expected to obtain peace on terms equally honourable and advantageous as any we can now possibly claim? Would we have obtained a peace less favourable to the general

general balance of power, or less likely to be permanent in its duration than any which can be concluded under the circumstances of the present moment? Again and again have I pressed upon the house the necessity and policy of adopting measures for the restoration of peace, and again and again have my motions for that purpose been rejected. In order to shew how greatly ministers miscalculated the nature of the contest, at that former period when I argued for peace, it was said, "What, make peace before you have achieved a single conquest, and when you are just beginning to make advances into the country of the enemy!" Such, at that time, was the style of reasoning brought forward in opposition to the argument which I urged in favour of peace. So widely were ministers then deceived with respect to the nature of the contest, so falsely did they calculate as to the turn of subsequent events. Unhappy calculation! Perverse mistake! The contest did not respect a particular branch of trade, or a limited extent of territory. The most important interests of the country were at stake. The ministers, by their calculations, were not pledging Jamaica, or any island in the West Indies. They were pledging Great Britain itself, the fate of which may in some degree be considered as dependant on the issue of this night's debate. The right honourable gentleman, formerly in talking of the nature of the contest, had made use of a memorable expression, and which could not easily be forgotten. He intimated that the nature of the contest was such, that our exertions ought to know no bounds, except so far as they were limited by our resources; and that our efforts must be extended to the utmost pitch, before we could either hope for an honourable termination of the struggle, or the secure and permanent enjoyment of peace. He expressly declared that we ought not to cease from the contest till we should be able to say,

Possit

——— *Possit quæ plurima virtus*
Esse fuit. Toto certatum est corpore regni.

Mr. Fox then proceeded to animadvert upon the manner in which the negociation had been conducted, and argued that ministers had not evinced themselves sincerely disposed to cultivate the good will of the French nation. In every negociation, he said, the difficulty of coming to any definitive arrangement must be infinitely increased by the mutual prevalence of distrust between the parties. If the minister had some reason to suspect the sincerity of the French directory, had not they at least equal grounds to entertain the same doubts with respect to his views in the negociation? After every epithet of reproach had been exhausted by ministers to vilify their characters, was it to be expected that they would readily listen to terms of peace dictated by those ministers, except they were brought into that state of necessity and submission, which precluded them from any alternative, and compelled them to an unconditional compliance with any pacific proposition that might be presented to their acceptance. Mr. Fox, after ridiculing lord Malmsbury's repeated professions of "high consideration" for the French minister, said, with cutting severity, he could not help smiling, when he recollected that lord Auckland was created a peer for no other merit, than because he had declared that the men now addressed in such respectful terms "ought to be put under the sword of the law," and because, adopting a new style of diplomacy, he had denounced them as miscreants and traitors to all Europe.

Mr. Fox, after arguing strongly on the folly of making Belgium the *sine qua non* of a pacification, with a prophetic spirit asked, "What, in the prosecution of this unhappy contest, are the people of England to look

look for, but terms still worse than those which might be obtained, if ministers entered on negociation with sincerity? "Consider," said he, "what your disgrace will be, if you fail to recover Belgium, which you have told the world is a *sine qua non*. You say it may be recovered by force of arms. Good God! what is the probability of such an event? What are we to do? What can we do? Have you considered all the difficulties that may attend it? Are you prepared for all the hazards that may accompany it? If you are, say so at once boldly, and act like men, but do not abuse the people of this country by a delusive pretence—the shadow of a negociation.—I know that these little tricks and artifices have had their end; they have often, much too often, been employed to cover the dexterity of a debate; and in some situations they may almost appear harmless; but these little quibbling distinctions are not adapted to the important affairs of which we are now to consider. The minister, in ordinary cases, shall be welcome on my part to his little triumph in such artifices; but these are not times to indulge him in them. He is not made for these times of difficulty. When the fate of a question, comparatively indifferent, is before us, his talents are well adapted to obtain success, which, for my own part, I do not envy him; but when the fate of empires depends upon our proceedings, we should not give way to his vanity. These are times that require openness and candour, and a determination to look at the posture of our affairs in a direct, open, and undaunted manner."

Mr. Fox concluded with moving the following address—"That this house had learnt, with inexpressible concern, that the negociation for the restoration of peace had been unhappily suspended. In so awful and important a crisis the commons felt it their duty to speak to his majesty with that

that freedom and earnestness which became men anxious to preserve the honour of the crown, and to secure the interests of the people. They deplored that, from the documents submitted to their consideration, his majesty's ministers appear not to have been so sincere in their professions for peace as their repeated declarations had indicated. The insincerity of the overtures made for that purpose was to be inferred from their having insisted as a *sine qua non*, on the surrender of the Netherlands by France. —That this house had farther to regret that his majesty's ministers had repeatedly refused to enter into any negociation with the French republic, upon the arrogant and insulting pretence that the government of France was not capable of maintaining the relations of peace and amity amongst nations; and on this unfounded assumption had advised his majesty to continue a war ruinous in itself, after the defection of the major part of his majesty's allies.—That this house having thus humbly submitted to his majesty the reflections which his majesty's gracious communication immediately suggests, feel themselves in duty bound, for the information of his majesty, and the satisfaction of an exhausted people, to proceed with unremitting diligence to investigate the causes which have produced our present calamities, and to offer such advice as the critical and alarming circumstances of the nation may require."—Upon a division Mr. Fox's motion was rejected by 212 to 37 voices, at so low an ebb, at this period, were public virtue and common sense among the representatives of the nation.

When the order of council appeared prohibiting the bank of England to issue payments in specie, Mr. Fox again strongly urged the necessity of an enquiry into the conduct of his majesty's servants. No man, he said, had any doubts of the solvency of the bank, before the minister laid his

rapacious hands upon the treasure deposited there, and converted it to the most unlawful and unconstitutional purposes. In reply to the arguments of those who defended the conduct of the minister on the ground that he was supported by vast majorities in parliament, and had invariably possessed the confidence of the house of commons, Mr. Fox said he had no doubt but many who supported the minister were actuated by honourable motives: but when he found men confide in him year after year, long after they have been told the effects which that confidence will produce, and when year after year those effects have as constantly appeared as they have been foretold, surely it is not very ungracious to suppose that there is at least an unfortunate obstinacy in the continuance of such a confidence. An honourable member (Mr. Wilberforce) has said that "the minister did not suppose, at the commencement, that this war would have been of so long duration; the minister mistook the matter, and therefore we ought not to judge of him too harshly." Is mistake a ground for confidence? "He has expended much more money than could be wished." Is that a ground for confidence?—Another honourable supporter of the minister admits that he has been unfortunate, but says, "misfortune is no proof of guilt." Certainly not. Then we are told "we cannot prove the guilt of the minister." How should we be able to prove it without enquiry? "Have we not repeatedly," said Mr. Fox, "asked for it, and has it not as repeatedly been refused? When I see this sort of conduct on the part of those who support the minister, must I be told I am using harsh language when I say they are actuated by corrupt motives? Do I impute corruption to all the supporters of the present minister? I certainly do no such thing; but to many of them I do. Here I am reminded of a sentiment which was uttered by the late lord Chatham: he said, "that he had known men of great ambition for power and dominion, many whose

whose characters were tarnished by glaring defects, some with many vices, who, nevertheless, could be prevailed upon to join in the best public measures: but that the moment he found any man who had set himself down as a candidate for a peerage, he despaired of his ever being a friend to his country."—"Look," said Mr. Fox, "at the history of the minister, and of the peerages he has given away, and then ask yourselves whether he has not gained an enormous influence in that way? Examine whether he has not disposed of more peerages than any other minister ever did in England in the same length of time, in any part of our history?—I have heard much of negative successes in the course of this war. I do not wish to be an egotist, but I think I may say, without vanity, that I have some negative merit. I have not had the misfortune to counsel this odious, this ruinous war! I have not had the misfortune to lend assistance to the destruction of hundreds of thousands of my fellow beings! I have not had the misfortune to load my country with hundreds of millions of debt! I have not had the misfortune to set my name to a proclamation, manifesting to the world the bankruptcy of my country! These are my negative merits, and I claim them as my due; and the minister is welcome to despise, while I enjoy, the comfortable reflection that arises out of them."

Mr. Fox concluded with saying, enquiry was, at all events, indispensable; for, to use the celebrated argument of Demosthenes to the Athenians, if it should appear that the deplorable situation of the country was brought on by the gross misconduct of the minister, then the people would have the consolation to reflect that their affairs might yet be retrieved; but if, as the minister asserted, affairs had been wisely and prudently con-

ducted, then the people could expect nothing but inevitable ruin.—On a division, 67 supported Mr. Fox's motion, against 141.

The distracted state of Ireland, owing to the detestable system of politics adopted by administration, induced Mr. Fox, on the 23d of March 1797, to call the attention of the house to the situation of that unhappy country. A variety of circumstances, he said, had concurred to produce the present heats in Ireland, but he should confine his observations to two or three leading points. These were, whether, in consequence of the concessions that had been made to Ireland, she had, in fact and substance, the advantage of an independent legislature? Whether in that form of a free constitution which they had obtained, the people possessed that political weight to which they were entitled? And whether their just voice and influence had been promoted? In viewing the inhabitants of Ireland, he said, the Roman catholics were usually estimated about five-sixths. It was true that considerable concessions had been made in their favour, and several of their grievances removed; but the question, in point of fact, was, whether these concessions had tended to remove dissatisfaction, and to conciliate attachment?"—It was a matter, he was afraid, of too obvious notoriety, that a regular system had been devised for enslaving Ireland. A systematic plan of corruption upon principle, was followed up by a suitable system of measures. It was asserted, and offered to be proved in the Irish parliament, that it had been the system of government, by the sale of peerages, to raise a purse to purchase the representation, or rather the misrepresentation of the people of Ireland. It was offered to be proved, that one half, or even a majority of the house of commons, were creatures of the crown. The manner in which these matters

matters were considered by the people in Ireland was this. "You have granted us," say they, "an independent legislature, independent certainly of your legislature, but dependent certainly upon your executive government." The concession, therefore, they viewed not as a blessing, but as a mockery and an insult.

With regard to the demands of the catholics, Mr. Fox said, "I know an opinion has gone forth, that the catholics have now no substantial grievances to complain of; and that the presbyterians have still less. It is said that the catholics have had ceded to them all the privileges of the most importance: that they can vote for members of parliament, and that they are not distinguished from the protestants but by being excluded from the high offices of state, and from being members of parliament. If this were all, I should still say that they have a right to all the privileges possessed by the protestants. Upon what principles ought they to be excluded? On what grounds of justice? Sir, on no grounds of justice; the only reason, therefore, must be a reason of policy, which is sufficient proof of a hostile mind against them; but let us consider it in other points of view. Is it nothing to have no share in the government, and to be excluded from the higher offices in the state? It is invidiously objected by the government, that it is not civil liberty which the catholics want, but power and emolument. To this I would answer for the catholics, yes; nor is it any discredit that they should be actuated by such desire. I would say that civil liberty could have no security without political power. To ask for civil liberty without political power, would be to act like weak men, and to ask for the possession of a right for the enjoyment of which they could have no security. I know that distinctions have been made between civil and political liberty, and that it is possible for whole classes

classes, whole casts and descriptions of men, to enjoy the one without possessing the other. Still, however, I assert, that it can only be by sufferance. The catholics may justly say, therefore, that it is not this nor that concession that will satisfy us, but give us that which alone can give us security for its continuance. It is objected also that the catholics are not merely ambitious of power, but actuated by views of private emolument. But if this be true, is it improper that the catholics, contributing so largely to the support of government, should be desirous to share the emolument which it bestows, as a compensation for what they sacrifice? The compensation indeed is trifling, but still, should they in point of right be excluded from their proportion? Yet, how strongly will their claim be felt, when it is considered who are the disputants? Are the catholics to be told by a few monopolizing politicians, who engross all places, all reversions, all emoluments, all patronages, "Oh! you base catholics, you think of nothing but your private emolument. You perverse generation, who have already been permitted to vote for members of parliament, are you so base as to urge the disgraceful demand of a share in personal emoluments? The catholics are men, and to be governed by the common motives which actuate human nature. The expense of maintaining all governments must be considerable, and that of Ireland certainly is not a model of economy. Of the emoluments arising out of the establishments of government, the catholics have a just right to participate; and for a small and interested majority to imagine that they can monopolize all these advantages to themselves, is a pretension not to be admitted: mankind are not to be treated in this manner, and it is not now a-days that such claims will pass current with the world."

With respect to the coercive laws which had passed in Ireland, the apprehension

prehension of individuals on the slightest suspicions, and the military executions that had taken place in various parts of the country, "who can doubt," said Mr. Fox, "but these things will goad? Is it not possible that they who prefer monarchy may find the exercise of it so bad, as almost to doubt the excellence of monarchical government? But should the people even be totally subdued, can you do otherwise than keep up a large military force? But suppose the people submit—I put the case in that way—can you trust them in such a situation? Will their submission to laws which they detest, last longer than your power lasts and their impotency? Will you continue to keep up your forces? During the war I believe you will; but can Ireland afford to maintain them in peace? Is it the way to persuade the catholics to assist you, to refuse their demands? —Refuse these demands—determine to govern Ireland by military force—risk a civil war.—But it may be said, what is to be done? My general principle is to restore peace on principles of peace, and to make concessions on principles of concession. I would therefore concede, and if I found I had not conceded enough, I would concede more. And what should we lose by it? Would Ireland be less useful to Great Britain? What is she now? Little more than a diversion for the enemy. If you keep Ireland by force now, what must you do in all future wars? You must in the first place secure her from insurrection. I will therefore adopt an Irish expression, and say, that you can only govern Ireland, by letting her have her own way.—The consequences of a war with Ireland were dreadful to contemplate; public horrors would be so increased by the lasceration of private feelings, as to spread universal misery through both countries; the connection was so intimate, that no rupture could happen without wounding the most tender friendships and the most sacred ties. Rigour has already been attempted; let conciliation and concession be

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tried before the last appeal is hazarded. My wish, said Mr. Fox, is, that the whole people of Ireland should enjoy the same principles, the same system, the same operation of government, and all classes have an equal chance of emolument." Mr. Fox concluded with moving an address to his majesty, "that he would be pleased to take into consideration the disturbed state of Ireland, and to adopt such healing and lenient measures as might appear best calculated to restore tranquillity, and to conciliate the affections of all descriptions of his majesty's subjects in that kingdom."

The motion was opposed by Mr. Pitt, as tending to infringe on the legislative independence of Ireland. He thought concession unnecessary, and that the admission of catholics into parliament would endanger the existence of the established church. As long as French principles were abroad in the world, he would strenuously oppose any alteration in the present constitution of parliament, and therefore the motion should have his decided negative.

Mr. Fox in a most masterly reply, lamented that he found it was the determination of government to persevere in a system that must be attended with incalculable mischiefs. He, however, had performed his duty.—"I have been a long time," said this great statesman, "deprecating coercive measures. I deprecated the adoption of them against America in 1774. In 1793, I deprecated their being employed against France; and now I deprecate the same system being followed with Ireland. Though my advice has not hitherto been followed, it is some consolation to me individually that it was not withheld; and whatever consequence may result from what is now pursuing towards Ireland, I shall not have

have to reproach myself with not having remonstrated against it. All these measures of coercion flow from the same source. War has been preferred to negociation, and force to conciliation, because, in this age of philosophy, instead of regulating our plans by a mild and enlightened policy, we have acted upon the maxims of barbarism. I shall now conclude with quoting the words of an ancient orator, (Cicero,) which I recommend to the serious consideration of every person to whom is assigned the important task of legislation :—" Carum esse civibus, bene de republica mereri, laudari, coli, diligi, gloriosum est; metui vero, et in odio esse, invidiosum, detestabile, imbecillum, caducum."—On a division of the house the numbers for Mr. Fox's motion were 84, against it 220 *.

Mr.

* About this time a petition was presented to the king, from the city of Westminster, praying the removal of his ministers. From circumstances that transpired at the meeting where it was agreed to, and from the language of the petition, there is every reason to suppose that Mr. Fox was the author of it.—It commenced by stating the incontrovertible facts, "that in the four years' prosecution of the war ministers had squandered upwards of 130 millions of money, and had imposed taxes to the amount of six millions and a half annually." The petition then proceeded in the following terms.—"We humbly represent to your majesty, that in the hands of those ministers nothing has succeeded. Instead of restoring monarchy in France, they have been compelled to recognize the republic there established, and to offer terms of peace to it. Instead of dismembering the territories of that republic, they have suffered it to add to them the Netherlands, Holland, and great part of Italy and Germany; and even part of these kingdoms, which the fleets of that republic have insulted, has only been preserved from the calamities of invasion by the accidents of the season.—In their negociation for peace they have been equally unsuccessful. It was to be expected. When they asked for peace, they were abject, but not sincere; they acknowledged their impotence, but not

Mr. Fox, wearied out with unavailing opposition, determined at length to retire, in a great degree, from the fatigues and the chagrins of a constant attendance in the house of commons. He announced this resolution in a speech he made (May 26, 1797,) on Mr. Grey's motion for a parliamentary reform, which he earnestly recommended to the adoption of the house. In the conclusion of his speech he observed, that power had

their errors. They discovered the most hostile dispositions towards France at the very time they proved their utter inability to contend with her.—When they wanted to obtain our consent to the war, they assured us that it was necessary for the safety of our commerce. At this moment most of the ports of Europe are shut against us; goods to an immense amount are lying on the hands of our merchants, and the manufacturing poor are starving by thousands.—They assured us that the war was necessary for the preservation of property and public credit. They have rendered every man's property subject to an order of the privy council, and the bank of England has stopped payment.—They assured us that the war was necessary for the preservation of the constitution. They have destroyed its best part, which is its liberty, by oppressive restrictions upon the right of petitioning, and upon the freedom of the press; by prosecuting innocent men under false pretences; by sending money to foreign princes without the consent of parliament; while, by erecting barracks throughout the kingdom, they give us reason to suspect their intention of finally subjecting the people to military despotism.—They assured us that the war was necessary for the preservation of the unity of our empire. But they have so conducted themselves, and are still so conducting themselves in Ireland, as to alienate the affections of that brave, loyal, but oppressed and persecuted nation, and to expose the most flourishing of its provinces to all the horrors of lawless military violence.—These are no common errors; they are great crimes, and of these crimes; before God and our country, we accuse your ministers.—They have tarnished the national honour and glory; they have oppressdd the poor with almost intolerable burthens; they have poisoned the intercourse of private life; they have given a fatal blow to public credit; they have divided the empire, and they have subverted the constitution."

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been indefatigable and unwearied in its encroachments; every thing had run in that direction through the whole course of the present reign. This was the opinion of sir George Saville, of the marquis of Rockingham, and of all the virtuous men who, in their public life, proved themselves to be the advocates of the rights of the people. They saw and deplored the tendency of the court; they saw that there was a determined spirit in the secret advisers of the crown to advance its power, and to encourage no administration that should not bend to that pursuit. Accordingly, through the whole reign, no administration who cherished notions of a different kind had been permitted to last, and nothing, therefore, or next to nothing, had been gained to the side of the people, but every thing to the crown, in the course of the reign. During the whole period we had no more than three administrations, one for twelve months, one for nine, and one for three months, that acted upon the popular principles of the early part of the century; nothing, therefore, had been gained to the people, while the current had steadily run towards the crown.—"I believe," said Mr. Fox, "that we are come to the last moment of possible remedy. I believe that at the present moment the disaffected are few; but if we go on with our convention-bill and acts of exasperation of all kinds, the few will soon become the many, and we shall have to pay a severe retribution for all our present pride. What a noble lord (Hawkesbury) said some time ago of France, may be applicable to this very subject. "What," said he, "shall we degrade ourselves by going to Paris, and there asking in humble diplomatic language, to be on a good understanding with them?" Gentlemen will remember these lofty words, and yet we have come to this humiliation; we have negociated with France, and I should not be surprised to see the noble lord himself going to Paris, not indeed at the head of his regiment, but on a diplomatic commission to those

very regicides, to pray to be on a good understanding with them *. Shall we, then, be blind to the lessons which the events of the world exhibit to our view? Pride, obstinacy, and insult, must end in concessions, and those concessions must be humble in proportion to our unbecoming pride. Now is the moment to prevent all these degradations; the monarchy, the aristocracy, the people may yet be saved; it is only necessary, at this moment, to conquer our own passions. Let those ministers, whose evil genius has brought us to our present condition, retire from the posts to which they are unequal. I do not hesitate to declare, that the present administration neither can nor ought to remain in place; let them retire from his majesty's councils, and then let us, with an earnest desire of recovering the country, pursue a moderate scheme of reform, under the auspices of men who are likely to conciliate the opinion of the people.—— I do not speak this, sir, from personal ambition. A new administration ought to be formed; but I have no desire, no wish, of making a part of any such administration; and I am sure that such an arrangement is feasible, and that it is capable of being accomplished without me. My first and chief desire is to see this great end effected; I have no desire to be the person, or one of the persons to do it; but though my wish is for retirement, I shall always be ready to give my free and firm support to any administration that shall restore to the country its violated rights, and re-establish its strength upon the basis of free representation †."

Soon

* It need scarcely be noticed that this prediction was afterwards almost literally verified.

† Among other excellent constitutional doctrines laid down in this speech, the question how far representatives ought to be bound by the instructions of their constituents

Soon after Mr. Fox had an audience of the king, and with great magnanimity imparted to his majesty his readiness to retire to private life, that

ents, was most ably argued. Mr. Fox admitted, that having to legislate for the empire, representatives ought not to be altogether guided by instructions that might be dictated by local interests. "But I cannot," said he, "approve of the ungracious manner in which I sometimes hear expressions of contempt for the opinion of constituents; they are made with a very bad grace in the first session of a septennial parliament, particularly if they should come from individuals, who in the concluding session of a former parliament did not scruple to court the favour of the very same constituents, by declaring that they voted against their conscience in compliance with their desire, as was the case with an honourable alderman (Curtis) of the city of London. But there is one class of constituents, whose instructions it is considered as the implicit duty of members to obey. When gentlemen represent populous towns and cities, then it is disputable whether they ought to obey the voice of their constituents, or follow the dictates of their own conscience; but if they represent a noble lord, or a noble duke, then it becomes no longer a question of doubt; he is not considered as a man of honour who does not implicitly obey the orders of his single constituent. He is to have no conscience, no liberty, no discretion of his own; he is sent here by my lord this, or the duke of that, and if he does not obey the instructions he receives, he is not considered as a man of honour. Such is the mode of reasoning that prevails in this house. Is this fair? Is there any reciprocity in this conduct? Is a gentleman to be permitted, without dishonour, to act in opposition to the sentiments of the city of London, or of the city of Westminster, or of Bristol? But if he dares to disagree with the duke or lord, or baronet, whose representative he is, then he is to be considered as unfit for the society of gentlemen?—This is the chicane of tyranny and corruption; and this at the same time is called representation. In a very great degree the county members are held in the same state of thraldom. A number of peers possess an overweening influence in a county, and a gentleman is no longer permitted to hold his situation than as he acts agreeably to the dictates of those powerful families. Let us see how the whole of this stream of corruption has been diverted from the side of the

people

that he might not be considered as any impediment to a change in his councils: at the same time he informed his constituents, that if his conduct, in with-holding his attention from parliament, was displeasing to them, he was ready at any time to give them an opportunity of choosing another representative, by vacating his seat. The good sense of the electors of Westminster, however, and their steady attachment to Mr. Fox, prevailed over all the artifices which were used at this period to alienate them from him, and never was his popularity higher. His birth-day, on the 24th of January 1798, was celebrated at the Crown and Anchor tavern, upwards of two thousand persons, many of them of the first distinction, attending to do honour to the occasion. At this meeting a circumstance occurred, which in a very particular manner excited the resentment of the court. The duke of Norfolk, a nobleman not more esteemed for his high rank and illustrious descent, than for his love of liberty and munificent patronage of the useful arts, who presided on the occasion, gave, among other toasts commemorative of the principles of the great man whose anniversary they were met to celebrate, "*The majesty of the people.*" This sentiment, however, proved so offensive at St. James's, that in a few days the duke of Norfolk was dismissed both from

people to that of the crown;—with what a constant, persevering art, every man who is possessed of influence in counties, corporations, or boroughs, that will yield to the solicitations of the court, is drawn over to that phalanx which is opposed to the small remnant of popular election! I have looked to the machinations of the present minister in that way, and I find that including the number of additional titles, the right honourable gentleman has made no fewer than one hundred and fifteen peers, in the course of his administration. How many of these are to be ascribed to national services, and how many to parliamentary interest, I leave to the house to inquire."

the command of his regiment of militia, which he had trained with great assiduity, devoting his whole pay as commanding officer to improve the comforts and appearance of his corps, and likewise from the lord-lieutenancy of one of the ridings of Yorkshire. At the next meeting of the whig club, Mr. Fox presided, and having most ably vindicated the duke of Norfolk, repeated the obnoxious toast. For this assertion of the principles which seated the house of Brunswick on the throne, but which in this unhappy reign have been held in abhorrence, his majesty, by the advice of his ministers, on the 9th of May 1798, ordered the council book to be laid before him, and struck out the name of Mr. Fox from the list of privy counsellors. Whether this proceeding was more disgraceful to the great statesman whom it was meant to affect, or to those puerile statesmen who advised it, requires no stretch of political sagacity to determine. Mr. Fox's name needed no titles of honour to give it lustre: no titles of honour, no marks of distinction, could redeem his odious opponents, whose wretched counsels had rendered the present reign an almost perpetual spectacle of blood and horror, of corruption, extortion, disgrace and calamity, from the hatred and just execration of an oppressed and insulted people.

Mr. Fox, though he ceased now regularly to attend parliament, sometimes, in compliance with the wishes of his constituents, attended for the purpose of opposing particular measures which appeared injurious to their interests. In this way he opposed the bill for tripling the assessed taxes, and that for laying a tax upon income; and also, at the request of those who were friends to the abolition of the slave trade, he attended in his place, and delivered a most eloquent speech in favour of that measure. Alluding to some of the gentlemen who belonged to the society for the suppression

suppression of vice, who were supposed not to be very friendly to the abolition, Mr. Fox expressed his astonishment how they could hold forth an uncommon austerity of manners, in trifling and insignificant circumstances, and at the same time neglect humanity and benevolence, the true vital spirit of christianity.—Was there a man in that house who could seriously and gravely think that he could serve his country by voting for a continuance of the slave trade, and that he could shew his piety to the world, by taking care not to be at the opera after twelve o'clock on Saturday night, or to be seen travelling on Sundays?

When the present head of the French government announced his accession to the chief consulship, and, in his celebrated letter to the king, expressed his strong desire that a negociation should be opened, Mr. Fox, considering it as a new era in the war, again attended in the house of commons, and most earnestly entreated the minister not to slight the pacific disposition of the enemy; nor at the end of seven years of the most calamitous contest ever known, again amuse the house with notions of finance, and calculations of the exhausted resources of the enemy, as a ground of confidence. After having gone on from year to year with such assurances, could we still be deluded with the hope, he asked, that we had the same prospect of success on the same identical ground? And without any other security, were we to be invited to carry it on, at this era of the war, upon principles which, if adopted, would make it eternal.

Mr. Fox lamented, with every genuine friend of peace, the harsh and unaccommodating language which ministers had used in their reply to the pacific communication of the French government. Such conduct had ever been reprobated by diplomatic men of ability and candour.—After proving

proving that the French had not been so blameable in the commencement of the war as ministers were desirous to shew, Mr. Fox next proceeded to consider that part of their arguments which represented the war—such was the hypocrisy or fanaticism of this detestable administration—as a religious war. If he understood, he said, the true precepts of the christian religion, as set forth in the New Testament, there was no rule or doctrine whatever by which we could be justified in waging a war for religion: the idea was subversive of the very foundation upon which it stood —"peace and good-will amongst men." Yet this sacred name had been too often grossly used as the pretext for the most unprincipled wars. The conduct of the French, he admitted, was not justifiable towards foreign nations; but ministers, in their eagerness to throw odium upon them, had made an indiscriminate catalogue of the nations they had offended, without investigating the sources of their several quarrels, or enquiring into the provocations they had received. However culpable the French might have been, was this a moment to dwell upon their enormities, or to waste our time and inflame our passions by criminating or recriminating upon each other?—If this war of reproach and invective, said Mr. Fox, was to be countenanced, might not the French complain, with equal reason, of the outrages and horrors committed by the powers opposed to them? And if we were not to treat with the republic on account of the iniquity of their former transactions, ought we to connect ourselves with other nations equally criminal? If it was necessary to be thus rigid in scrutinizing the conduct of an enemy, ought we not to be equally careful in committing ourselves to an ally who had manifested the same want of respect for the rights of other nations? If it was material to know the character of an enemy with whom we were to treat for peace, surely it was more material to know that of allies whom we were to pay for assist-

ance, and with whom we were to enter into the closest bond of friendship. What had been the conduct of these allies to Poland? Was there a single atrocity of the French in Italy, in Switzerland, in Egypt, more inhuman than that of Austria, Prussia, and Russia towards Poland? What had there ever been worse in *their* violation of solemn treaties, in the plunder and devastation of unoffending countries, in the horrors and massacres perpetrated upon the subdued victims of their rage in any district they had over-run? What could have been worse than the conduct of these three great powers in the miserable and devoted kingdom of Poland? Yet these all were or had been our allies in this war for religion, social order, and the rights of nations! But, it might be said, we regretted the partition—Yes! and united ourselves to the actors; in fact, by acquiescence confirmed their atrocities!—But then, said Mr. Fox, they were our allies; and though they divided Poland, there was nothing perhaps in the *manner* of doing this which stamped it with peculiar infamy. The hero of Poland (general Suwarrow) might be merciful and mild, as much superior, as it was said, to Bonaparte in bravery, and in the discipline which he maintained, as in virtue and humanity. He was animated too, it was said, by the purest principles of christianity, and restrained in his career by the benevolent precepts which it inculcates. Let unfortunate Warsaw and the miserable inhabitants of Praga speak! What were the deeds of this magnanimous hero with whom Bonaparte is not to be compared? He entered Praga, the most populous suburb of Warsaw, and there let his soldiery loose on the unarmed and unresisting people: men, women, and children, nay even infants at the breast, were doomed to one indiscriminate massacre. And why? because they dared to join in a wish to meliorate their condition as a people, and to improve their constitution, which had been confessed by their own sovereign to be in want of amendment.

ment. Such was the hero upon whom the cause of religion and social order was to depend; whom we were to praise for his discipline and virtue, and to hold out as our boast and dependence, whilst the conduct of Bonaparte was represented to unfit him to be treated with even as an enemy*.

Are we for ever to deprive ourselves of the benefits of peace, continued Mr. Fox, because France has perpetrated acts of injustice? With the knowledge of these acts of injustice we had already treated with them twice, and yet the minister refused to enter into a negociation now. But he then treated with them, he said, "because the unequivocal sense of the people of England was declared in favour of peace." The majority in parliament spoke a different language. Was it then acknowledged that the unequivocal sense of the people *might be spoken by the minority*, and that it was not by the test of numbers that an honest decision was to be ascertained? The house of commons decided against what the minister

* To those who cannot see, in passing events, the Providence of God in the moral governance of the world, the punishment which Austria and Prussia has lately undergone, and the humiliation of Russia, will afford no instruction: but, for my own part, I am not ashamed to confess what I feel—that I perceive in the recent events in Poland the manifest interposition of Divine Providence, for the chastisement of injustice, treachery, and cruelty. What, at the time Mr. Fox's speech was delivered, (January 28th, 1800,) could scarcely be supposed within the verge of probability, has occurred. The victorious chief of the French nation, like Suwarrow, has entered Warsaw as a conqueror. Let the inhabitants of that city decide upon the humanity of the two commanders! If any of the inhabitants of Ismael survive the sword, let them, in the name of justice, be confronted with the burghers of Vienna and Berlin!"

knew to be the sense of the country; but he himself acted upon that sense against the vote of parliament. The negociation went off (as we were informed) upon the question of Belgium; but he now asserted it was because the French advanced principles incompatible with all negociation. Why did he not acquaint the people of England that this was the reason? Why, on the contrary, did he publish a manifesto, immediately on the rupture, declaring, "that whenever the enemy should be disposed to pacification, nothing should be wanting on our part to the accomplishment of this desirable object?"—The house, Mr. Fox said, were called upon that night to support the ministers in rejecting a frank, candid, and respectful offer of negociation, and to countenance the continuance of the war. But if, instead of this question, they had been asked to address his majesty with thanks for accepting the overture for opening a negociation, would not the gentlemen on the opposite side have voted as cordially for such an address? He appealed to their consciences whether they would not have upheld an address directly the reverse. Alas! how was the character of that house of commons degraded, which, after supporting the minister in his negociation of 1796 and 1797, and in his *solid system of finance*, would again vote with him, notwithstanding their inward conviction that he was wrong, in the same measures, or bring themselves to join him in any measures, however opposite to the former? But Bonaparte, it was said, had declared to the directory that the two governments of Great Britain and France could not exist together. Had not Mr. Pitt declared the same thing in that house? If we were to bring up all the idle speeches of the French, and they were to repeat ours, there would be no end to these reciprocations of animosity; and we might proceed for ever in shedding blood about words. Our own history was replete with instances of the ill consequences of despising proffered occa-

sions to make peace. At Ryswick we accepted the terms we had refused five years before; and the same peace which was concluded at Utrecht might have been obtained at Gertruydenburg. The peace of 1763 was not accompanied with securities, and it was no sooner made, than the French, as usual, began with their intrigues. What security did the right honourable gentleman himself exact in 1783? It was well known that soon after they formed a plan, in conjunction with the Dutch, to attack our Indian possessions, exciting the natives against us, and driving us out, as they were desirous of doing now; only with this difference, that the then cabinet of France entered into the project in a moment of profound peace, and when they imagined us to be lulled in perfect security.—It was the interest of France to make peace; if it continued her interest, said Mr. Fox, she would keep it; and if not, break it again. Such was the state of nations, and the only security on our part was vigilance.

Adverting next to the arguments which had been advanced to shew the probability that the power of Bonaparte might be of no long duration, Mr. Fox observed that much had been said of the short-lived nature of military despotism; yet such was the government erected by Augustus Cæsar, which endured for six or seven hundred years. Indeed it was too likely, where-ever it was established, to be durable; nor was it true that it depended upon the life of the first usurper. Half the Roman emperors were murdered, yet the tyranny continued. What difference would it make in the quality of the military establishment of France, or in our relation to that country, if Bonaparte were removed? That the house should express such abhorrence of this frame of government was somewhat singular, when it had so recently affirmed it to be the system peculiarly suited

to

to the exercise of free opinion, and which had been so happily established over Ireland. The persons and the property of that people were left in many districts to the entire will of military commanders; and this was held out as advantageous to the Irish, at the time when they were to discuss, with unbiassed judgments, the most interesting question of a legislative union. Notwithstanding the existence of martial law, so far from thinking Ireland enslaved by it, we had pronounced it the best period, and the most favourable circumstance, under which she could declare her opinion. Those who spoke thus of military despotism in Ireland, had little reason to rail at it in France. The minister thought that the change of property in France would not form an insurmountable barrier to the return of the ancient proprietors, property being so much depreciated that the purchasers would easily be brought to restore the estates. But surely this was improbable: it was the character of every such convulsion as that which had ravaged France, that an indescribable load of misery was inflicted on private families, and the heart sickened at the recital of their sorrows. Revolutions did not imply, though they might occasion, a total alteration of property; but the re-establishment of the Bourbons did imply it—and this was the great difference. If the noble families of France had foreseen the duration and extent of the evils which were to fall upon their heads, there is no doubt but they would have taken a very different line of conduct. But unfortunately they fled their country; the king and his advisers sought foreign aid; a confederacy was formed to restore them by military force; and as means of resisting this combination, the estates of the fugitives were confiscated and sold. However compassion might deplore the case, it was not a thing unprecedented; the people had always resorted to such means of defence. Now the point was, how was this property to be got out of their hands? The purchasers of national and forfeited

forfeited estates were said to amount to 15,000,000 persons: what possible hope could there be of compelling so large a number to deliver up their property?—Louis the XVIIIth, said Mr. Fox, published a manifesto at Mittau, assuring his friends that he was about to come back with all the powers that formerly belonged to his family. He did not promise them a constitution which might conciliate their minds; but stated his intention of restoring the ancient regime, to which they naturally attached a bastille, lettres de cachet, gabelle, &c. &c. The noblesse, for whom this proclamation was made, would naturally expect, if the monarch was to be restored to his privileges, that they were to be reinstated in their estates, without any compensation to those they considered as usurpers. Was this likely to induce the people to wish for the restoration of monarchy? There might be a number of Chouans in France, and others dispersed in certain provinces in France, who retained an attachment to royalty; but if Bonaparte should attempt some similar arrangement to that of Henry IV, when he quelled the insurrection of the Hugonots, and conciliated that party by granting them important privileges, and raising them to high posts in the government—should Bonaparte, continued Mr. Fox, pursue this conduct, who dare pretend to say, he would not succeed? The French would not be likely to forget the revocation of the edict of Nantes, one of the memorable acts of the house of Bourbon; —an act never surpassed in impolicy, in injustice and atrocity, by any thing which had disgraced jacobinism.

A successful campaign led us to cherish the hope of now placing this *most worthy* family upon the throne; but this was not the first campaign, he reminded the house, which had been successful, and yet our endeavours were unaccomplished. The situation of the allies, with all they had obtained,

obtained, was not comparable at this time to what it was when we had taken Valenciennes, Quesnoy, and Condé : we had now only recovered a part of what we had lost. One campaign was successful to us, another to the French ; and thus, animated by the passions of revenge, hatred, and rancour, we might proceed from year to year, prolonging human misery ; and all this upon speculation. We are told, we must keep Bonaparte some time longer at war, as a state of probation. We must pause till the bowels of Great Britain be torn out, her best blood spilt, her treasures wasted, till we had fully made the experiment ! " Oh !" exclaimed the indignant orator, " that ministers would place themselves in the field of battle, and there learn to judge of the horrors which they prolonged."—Was this the system calculated to establish justice, to restore humanity, to endear religion ? May the Supreme Being deliver us from it ! and enlighten our understandings, that we may no longer consider war as the natural state of man, and peace as a dangerous extremity !

Mr. Fox concluded a most brilliant and masterly speech with observing that the people of England were friends to peace, although by the laws lately made to restrain the expression of their wish, public opinion could not be heard as heretofore. It was afflicting, he said, to see the strides of arbitrary power, whereby liberty of every kind, both of speech and writing, was abridged, and to observe in Ireland the rapid approaches to that military despotism, which was now made an argument against peace with France.—But, however irresistible the arguments of Mr. Fox, on a division of the house, they were found to have made but little impression on that body, 260 members supporting the war-breathing address of the minister, against 64 who had the honesty and boldness to recommend peace.

After

After this ineffectual attempt to impress the house of commons with his own wise, moderate, and pacific sentiments, finding the current of ministerial influence, in spite of all the experience of their imbecility and folly, too strong to be successfully combated, Mr. Fox again retired to the enjoyment of private life, and did not return to parliament till after Mr. Pitt's dismission from office, and the appointment of Mr. Addington to fill his place, in the beginning of the year 1801. He attended, on the 25th of March, to support a motion made by Mr. Grey, for an enquiry into the state of the nation, and condemned in severe terms the treacherous conduct of the late minister in relation to the catholics of Ireland. The catholics had been told, he said, that the union would favour their claims; but what had been the right honourable gentleman's conduct? If resistance made in another quarter to these claims had induced him to resign, could he not as a private member have brought forward a motion in the house which he could not while in the cabinet? It was surely a reflexion upon parliament to say, as he had said, that he could not there propose a measure which he approved. For his own part, he must repeat that he strenuously believed in the original rights of man: he believed that all legitimate governments were founded not only in fact, but in consequence, upon principles of liberty; and that no government was adequate to its true end which did not recognize them. Catholics had rights as well as protestants, and no man should be deprived of his rights because he worshipped God according to the dictates of his own conscience. Mr. Fox then proceeded to consider the state of Ireland, and reprobated the introduction of martial law into that kingdom. The mass of a people, he said, could never be disaffected without great blame being due to the government. Conduct which had produced such havoc, conflagration, and horror of every description, as that in Ireland, was the

criminal cause of it. The recall of earl Fitzwilliam had been attended with the most fatal consequences; for then it was that the rebels began their correspondence with France, despairing of any mild conciliatory government at home. He represented the state of our relations with foreign powers, the decay of our manufactures, and the miseries of our labourers, many of whom were unable to supply themselves with the necessaries of life, as all loudly calling for enquiry. With regard to the change of administration, he hoped it would prove a fortunate occurrence; but if the new ministers, as some apprehended, were only puppets directed by those who had quitted their stations; and if they adopted the system of their predecessors, with the additional blame of being hostile to the catholic claims—acting in this point from their own motives—they would be unworthy confidence *.

In

* The untimely and lamented death of the duke of Bedford, who had long lived in habits of the greatest attachment and cordiality with Mr. Fox, and uniformly supported the principles of that illustrious statesman, both in the house of peers and elsewhere, occasioned him, on the 16th of March 1803, to deliver one of the most beautiful and pathetic orations to the memory of his departed friend, that is to be found in the compass of the English or any other language. Fortunately for the world, this speech, so worthy of the heart and understanding of him by whom it was delivered, so worthy of the exalted and patriotic nobleman to whom it was applied, has been transmitted to us by Mr. Fox himself, and is, it is believed, the only one of his speeches that he ever took the trouble of preparing for the press. It is as follows:

"If the sad event which has recently occurred were only a private misfortune, however heavy, I should feel the impropriety of obtruding upon the house the feelings of private friendship, and would have sought some other opportunity of expressing those sentiments of gratitude and affection, which must ever be due from me to the memory of the excellent

In the various discussions that took place relative to the preliminaries of peace signed on the 1st of October 1801, and to the ill-fated definitive treaty

excellent person whose loss gives occasion to the sort of motion of course, which I am about to make to the house. It is because I consider the death of the duke of Bedford as a great public calamity; because the public itself seems so to consider it; because, not in this town only, but in every part of the kingdom, the impression made by it seems to be the strongest, and most universal, that ever appeared upon the loss of a subject; it is for these reasons that I presume to hope for the indulgence of the house, if I deviate, in some degree, from the common course, and introduce my motion in a manner which I must confess to be unusual on similar occasions. At the same time, I trust, sir, that I shall not be suspected of any intention to abuse the indulgence which I ask, by dwelling, with the fondness of friendship, upon the various excellencies of the character to which I have alluded, much less by entering into a history of the several events of his life, which might serve to illustrate it. There was something in that character so peculiar and striking, and the just admiration which his virtues commanded was such, that to expatiate upon them in any detail is as unnecessary as upon this occasion it would be improper. That he has been much lamented, and generally, cannot be wondered at, for surely there never was a more just occasion of public sorrow. To lose such a man!—at such a time!—so unexpectedly!—The particular stage of his life too in which we lost him, must add to every feeling of regret, and make the disappointment more severe and poignant to all thinking minds. Had he fallen at an earlier period, the public, to whom he could then (comparatively speaking at least) be but little known, would rather have compassionated and condoled with the feelings of his friends and relations, than have been themselves very severely afflicted by the loss. It would have been suggested, and even we who were the most partial must have admitted, that the expectations raised by the dawn are not always realised in the meridian of life. If the fatal event had been postponed, the calamity might have been alleviated by the consideration, that mankind could not have looked forward for any length of time to the exercise of his virtues and talents. But he was snatched away at a moment when society might have been expected to be long bene-

treaty subsequently concluded at Amiens, Mr. Fox warmly commended the conduct of ministers for having put an end to the war, and very strenuously

fitted by his benevolence, his energy, and his wisdom; when we had obtained a full certainty that the progress of his life would be more than answerable to the brightest hopes conceived from its outset; and when it might have been reasonably hoped, that, after having accomplished all the good of which it was capable, he would have descended not immaturely into the tomb. He had, on the one hand, lived long enough to have his character fully confirmed and established, while, on the other, what remained of life seemed, according to all human expectations, to afford ample space and scope for the exercise of the virtues of which that character was composed. The tree was old enough to enable us to ascertain the quality of the fruit which it would bear, and, at the same time, young enough to promise many years of produce. The high rank and splendid fortune of the great man of whom I am speaking, though not circumstances which in themselves either can or ought to conciliate the regard and esteem of rational minds, are yet in so far considerable as an elevated situation, by making him who is placed in it more powerful and conspicuous, causes his virtues or vices to be more useful or injurious to society. In this case, the rank and wealth of the person are to be attended to in another, and a very different point of view. To appreciate his merits justly, we must consider, not only the advantages, but the disadvantages, connected with such circumstances. The dangers attending prosperity in general, and high situations in particular; the corrupting influence of flattery, to which men in such situations are more peculiarly exposed, have been the theme of moralists in all ages, and in all nations; but how are these dangers increased with respect to him who succeeds in his childhood to the first rank and fortune in a kingdom such as this; and who, having lost his parents, is never approached by any being who is not represented to him as in some degree his inferior! Unless blessed with a heart uncommonly susceptible and disposed to virtue, how should he, who has scarcely ever seen an equal, have a common feeling, and a just sympathy, for the rest of mankind, who seem to have been formed rather *for* him, and as instruments of his gratification, than together *with* him for the general purposes of nature? Justly has the Roman satirist remarked.

Rarus

nuously defended the terms on which peace had been obtained. He could not, he said, style the peace a glorious one, for such a peace could only be

> Rarus enim fermè sensus communis in illa
> Fortuna.———

This was precisely the case of the duke of Bedford, nor do I know that his education was perfectly exempt from the defects usually belonging to such situations; but Virtue found her own way, and on the very side where the danger was the greatest, was her triumph most complete. From the blame of selfishness no man was ever so eminently free. No man put his own gratification so low, that of others so high, in his estimation. To contribute to the welfare of his fellow citizens was the constant unremitted pursuit of his life, by his example and his beneficence to render them better, wiser, and happier. He truly loved the public; but not only the public, according to the usual acceptation of the word; not merely the body corporate (if I may so express myself) which bears that name, but man in his individual capacity, all who came within his notice, and deserved his protection, were objects of his generous concern. From his station the sphere of his acquaintance was larger than that of most other men; yet in this extended circle, few, very few, could be counted to whom he had not found some occasion to be serviceable. To be useful, whether to the public at large, whether to his relations and nearer friends, or even to any individual of his species, was the ruling passion of his life.

"He died, it is true, in a state of celibacy; but if they may be called a man's children whose concerns are as dear to him as his own—to protect whom from evil is the daily object of his care—to promote whose welfare he exerts every faculty of which he is possessed: if such, I say, are to be esteemed our children, no man had ever a more numerous family than the duke of Bedford.

"Private friendships are not, I own, a fit topic for this house, or any public assembly; but it is difficult for any one who had the honour and happiness to be his friend, not

be the result of a glorious war; but he thought it safe and honourable. If we could have had a better without the risk of continuing the war, ministers

not to advert (when speaking of such a man) to his conduct and behaviour in that interesting character. In his friendship, not only was he disinterested and sincere, but in him were to be found united all the characteristic excellencies which have ever distinguished the men most renowned for that most amiable of all virtues. Some are warm, but volatile and inconstant; he was warm too, but steady and unchangeable. Never once was he known to violate any of the duties of that sacred relation. Where his attachment was placed, there it remained, or rather there it grew; for it may be more truly said of this man than of any other that ever existed, that if he loved you at the beginning of the year, and you did nothing to forfeit his esteem, he would love you still more at the end of it. Such was the uniformly progressive state of his affections, no less than of his virtue and his wisdom.

"It has happened to many, and he was certainly one of the number, to grow wiser as they advanced in years. Some have even improved in virtue, but it has generally been in that class of virtue only which consists in resisting the allurements of vice, and too often have these advantages been counterbalanced by the loss, or at least the diminution, of that openness of heart, that warmth of feeling, that readiness of sympathy, that generosity of spirit, which have been reckoned among the characteristic attributes of youth. In this case it was far otherwise; endued by nature with an unexampled firmness of character, he could bring his mind to a more complete state of discipline than any man I ever knew. But he had, at the same time, such a comprehensive and just view of all moral questions, that he well knew to distinguish between those inclinations, which, if indulged, must be pernicious, and the feelings which, if cultivated, might prove beneficial to mankind. All bad propensities, therefore, if any such he had, he completely conquered and suppressed, while, on the other hand, no man ever studied the trade by which he was to get his bread —the profession by which he hoped to rise to wealth and honour—nor even the higher arts of poetry or eloquence, in pursuit of a fancied immortality, with more zeal and ardour than

nisters were unquestionably censurable; but he thought this could not be shewn. He was much gratified, he said, to hear that liberal system of policy

than this excellent person cultivated the noble art of doing good to his fellow-creatures. In this pursuit, above all others, diligence is sure of success, and accordingly it would be difficult to find an example of any other man to whom so many individuals are indebted for happiness or comfort, or to whom the public at large owe more essential obligation.

"So far was he from slackening or growing cold in these generous pursuits, that the only danger was, lest, notwithstanding his admirable good sense, and that remarkable soberness of character, which distinguished him, his munificence might, if he had lived, have engaged him in expenses to which even his princely fortune would have been found inadequate. Thus the only circumstance like a failing in this great character was, that, while indulging his darling passion for making himself useful to others, he might be too regardless of future consequences to himself and family. The love of utility was indeed his darling, his ruling passion. Even in his recreations (and he was by no means naturally averse to such as were suitable to his station in life,) no less than in his graver hours, he so much loved to keep this grand object in view, that he seemed, by degrees, to grow weary of every amusement which was not, in some degree, connected with it. Agriculture he judged rightly to be the most useful of all sciences, and, more particularly, in the present state of affairs he conceived it to be the department in which his services to his country might be most beneficial. To agriculture, therefore, he principally applied himself, nor can it be doubted but with his great capacity, activity, and energy, he must have attained his object, and made himself eminently useful in that most important branch of political economy. Of the particular degree of his merit in this respect, how much the public is already indebted to him—how much benefit it may still expect to derive from the effects of his unwearied diligence and splendid example, is a question upon which many members of this house can form a much more accurate judgment than I can pretend to do. But of his motives to these exertions I am competent to judge, and

policy laid down, "that it was not what we had gained which made our treaty so much the better, nor what we had not gained that made it so much

and can affirm, without a doubt, that it was the same which actuated him throughout—an ardent desire to employ his faculties in the way, whatever it might be, in which he could most contribute to the good of his country, and the general interests of mankind.

"With regard to his politics, I feel a great unwillingness to be wholly silent on the subject; and at the same time much difficulty in treating it with propriety, when I consider to whom I am addressing myself. I am sensible that those principles upon which in any other place I should not hesitate to pronounce an unqualified eulogium, may be thought by some, perhaps by the majority of this house, rather to stand in need of apology and exculpation, than to form a proper subject for panegyric.—But even in this view I may be allowed to offer a few words in favour of my departed friend. I believe few, if any of us are so infatuated with the extreme notions of philosophy as not to feel a partial veneration for the principles, some leaning even to the prejudices of the ancestors, especially if they were of any note, from whom we are respectively descended. Such biasses are always, as I suspect, favourable to the cause of patriotism and public virtue; I am sure, at least, that in Athens and Rome they were so considered. No man had ever less of family pride, in the bad sense, than the duke of Bedford; but he had a great and just respect for his ancestors. Now if upon the principle to which I have alluded, it was in Rome thought excusable in one of the Claudii to have, in conformity with the general manners of their race, something too much of an aristocratical pride and haughtiness, surely in this country it is not unpardonable in a Russell to be zealously attached to the rights of the subject, and peculiarly tenacious of the popular parts of our constitution. It is excusable at least, in one who numbers among his ancestors the great earl of Bedford, the patron of Pym, and the friend of Hampden, to be an enthusiastic lover of liberty; nor is it to be wondered at if a descendant of lord Russell should feel more than common horror for arbitrary power, and a quick, perhaps even a jealous discernment of any approach

much the worse;" we had gained Trinidad and Ceylon, both valuable acquisitions; we had not gained the Cape of Good Hope, and he was not one

proach or tendency in the system of government to that dreaded evil. But whatever may be our differences in regard to principles, I trust there is no member of this house who is not liberal enough to do justice to upright conduct even in a political adversary. Whatever therefore may be thought of those principles to which I have alluded, the political conduct of my much-lamented friend must be allowed by all to have been manly, consistent, and sincere.

"It now remains for me to touch upon the last melancholy scene in which this excellent man was to be exhibited, and to all those who admire his character, let it be some consolation that his exit was in every respect conformable to his past life. I have already noticed that prosperity could not corrupt him. He had now to undergo a trial of an opposite nature. But in every instance he was alike true to his character, and in moments of extreme bodily pain and approaching dissolution, when it might be expected that a man's every feeling would be concentrated in his personal sufferings—his every thought occupied by the awful event impending—even in these moments he put by all selfish considerations; kindness to his friends was the sentiment still uppermost in his mind, and he employed himself, to the last hour of his life, in making the most considerate arrangements for the happiness and comfort of those who were to survive him. While in the enjoyment of prosperity, he had learned and practised all those milder virtues which adversity alone is supposed capable of teaching; and in the hour of pain and approaching death, he had that calmness and serenity which are thought to belong exclusively to health of body and a mind at ease.

"If I have taken an unusual, and possibly an irregular, course upon this extraordinary occasion, I am confident the house will pardon me. They will forgive something, no doubt, to the warmth of private friendship—to sentiments of gratitude, which I must feel, and, whenever I have an opportunity, must express, to the latest hour of my life.

 But

one of those who regretted it, as, from its destination, we should have all the benefits of that possession without the expense. A noble lord

But the consideration of public utility, to which I have so much adverted as the ruling principle in the mind of my friend, will weigh far more with them. They will in their wisdom acknowledge, that to celebrate and perpetuate the memory of great and meritorious individuals is in effect an essential service to the community. It was not therefore for the purpose of performing the pious office of friendship, by fondly strewing flowers upon his tomb, that I have drawn your attention to the character of the duke of Bedford: the motive that actuates me is one more suitable to what were his views. It is, that this great character may be strongly impressed upon the minds of all who hear me—that they may see it—that they may feel it—that they may discourse of it in their domestic circles—that they may speak of it to their children, and hold it up to the imitation of posterity. If he could now be sensible to what passes here below, sure I am, that nothing could give him so much satisfaction as to find that we are endeavouring to make his memory and example, as he took care his life should be—useful to mankind.

"I will conclude, with applying to the present occasion a beautiful passage from the speech of a very young orator *. It may be thought, perhaps, to savour too much of the sanguine views of youth, to stand the test of a rigid philosophical enquiry; but it is at least cheering and consolatory, and that in this instance it may be exemplified, is, I am confident, the sincere wish of every man who hears me. "Crime," says he, "is a curse only to the period in which it is successful; but virtue, whether fortunate or otherwise, blesses not only its own age, but remotest posterity, and is as beneficial by its example as by its immediate effects."

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* Essay on the Progressive Improvements of Mankind; an oration delivered in the chapel of Trinity college, Cambridge, December 17, 1798, by the Honourable William Lamb.

(Hawkesbury) had regarded any acquisitions in the Mediterranean as subordinate and secondary objects to Ceylon and Trinidad; and, considering the subject in a commercial point of view, had said, that the Dutch, without possessing Minorca, had carried on the principal part of the Levant trade; but it was not in this light that he contemplated the question. He was truly desirous of peace, and hoped it might be lasting, yet he could not divest himself of the apprehension, that there might again be wars between the two countries, and in such an event, Malta would be a more important possession than either Ceylon or Trinidad. But the question was, could we, by any pressure of war, prevail on France to cede to us Malta or the Cape? By an attack on her colonies? No, for that had already been done. By an attack on the European territories of France? Absurd to imagine it! By exhausting her finances? Oh no!

Mr. Fox, after praising the conduct of administration in not following the example of their predecessors, and deluding the people by senseless assertions of the French being on the verge of bankruptcy, said that they had adopted a wiser mode: they well knew that by insisting on Malta or the Cape, they must have concluded the peace on less dignified terms, or must have continued the war. That we might have gone on with the contest he would not pretend to deny, for he was not ignorant of the resources of the country; but these resources (it had been justly remarked) ought to be reserved for the defence of our honour and independence.

On the question whether the terms of peace were preferable to a continuance of the war, Mr. Fox entered largely into the evils attendant upon it: we had seen, he said, the poor depending upon alms; we had seen the mass of the people living upon charity; all levelled by the most

dangerous equality, an equality of claims to be fed; claims changing the nature of charity into necessity. The miser felt it his indispensable duty to give, as well as the humane; and the industrious and the idle, the honest and the dissolute, endured hunger, and were alike to be sustained; for whatever preference we might feel in relieving the former, we could not suffer the latter to perish. This evil had been produced by the war, and the events of the last three months proved it: we had had a most abundant harvest, and though it reduced the price of grain, and in some, though not in so great a degree, of other provisions, they began to rise again; but when the news of peace arrived, the fall was more rapid and considerable than it had been from the period of harvest to that event. Could any one doubt, after considering this effect, whether it were better for the poor to be fed, that we should possess the Cape or Malta?

There were persons, Mr. Fox said, who lamented the peace as glorious to France. If it were so, and not inglorious to England, it gave him no concern; the opinions of men depended in a great measure upon their conceptions of the causes of the war. If one of its objects was the restoration of the accursed despotism of France, to him it was another recommendation of the peace that it had been obtained without the accomplishment of such an object. He should ever retain his former sentiments, that on our side the war began, and was carried on against the freedom and independence of France. France, indeed, had been the first to *declare* war, but this, he contended, did not prove her the aggressor. We refused to hear an authorised negociator sent to treat with us; we took no steps to procure reparation, or disavowal of acts alledged against us; and a nation which refuses to hear what another has to propose must be considered as inimical. The pretended grounds on our part were the

navigation of the Scheldt, the decree of the 19th of November, and other acts of the French government; but Mr. Fox confessed that he himself understood the real object to be the restoration of the house of Bourbon; not that it was the *sine qua non;* but he contended that ministers avowed it with confidence, prosecuted it with perseverance, and relinquished it with reluctance. It was now said, that not having been able to obtain the first, they had contented themselves with the second best object of the war; but who could have thought that this second best object, this succedaneum, was Ceylon and Trinidad? That ministers who had held forth such pompous design, would ever have admitted the acquisition of an island in the east or west to be that *indemnity for the past*, and that *security for the future*, for which they had so long, so obstinately, and so fatally persisted in the prosecution of hostilities.

Mr. Fox could by no means agree as to the propriety of the time in which the treaty was made: in his opinion it came many, many years too late. He would put it to the house whether at the time the opposition was most railed against for advising pacific measures, we could not have made peace on terms equally advantageous with the present? Would not France, on the breaking out of the war, said he, have acceded to any terms? Would she not have relinquished Holland, and perhaps abandoned her designs on the Netherlands? But since that eventful period, could we not have negociated better very often? For instance, after the surrender of Valenciennes? Again at Lisle, when we only failed from the extravagant pretensions of administration. In January 1800, when the chief consul made a direct overture, and we returned answer that the most effectual mode of facilitating peace would be to restore the Bourbons, not indeed as the only means, but it was left to the French to suggest

any

any other. Did we then hint at the cession of Ceylon or Trinidad? Would not Bonaparte have ceded these? We might then have had Egypt by the treaty of El Arish: the gallant Abercromby, indeed, would not have fallen, covered with laurels in the lap of victory, nor would our brave troops have acquired immortal honour, but we should have gained Egypt without the waste of blood and treasure. At that time the instability of the French government was argued as a reason for refusing to negociate; but neither its stability nor its instability were of any real consequence, none of the convulsions and changes of the French revolution having produced any material difference in her relations with foreign powers.—We were then told by ministers to pause, and we did pause from January 1800 to October 1801, and since our insolent reply to the overture of the first consul, had added 73 millions to our national debt. This pause cost five times as much as all the duke of Marlborough's campaigns.

The experience of the first coalition, Mr. Fox said, should have deterred Mr. Pitt from attempting any other; and as to the principles and power of France, which were represented as so dreadful, he confessed he had little apprehension of the principles, of the power much. He was sensible, and he lamented as much as any man, the weight and preponderance which France had acquired on the continent; but this was an effect, not of the peace, but of the war; and the right honourable gentleman had proved himself the greatest curse of his country by his inveterate hostility, which produced nothing else than the aggrandizement of France. How did we come to our present situation, said Mr. Fox, but by maintaining a war upon grounds originally unjust? This it was that had excited on the part of the enemy a spirit of proud independence, that had inspired them with

with resistless vigour, and with a zeal and patriotism which no opposition could check, and no attack could subdue.

With respect to the future, Mr. Fox thought the interest of the country would be best consulted by moderate establishments; and that it was by commercial pursuits we should endeavour to compensate for the aggrandizement of our ancient rival. He was not sanguine enough, he said, to calculate on seven years of peace, but he hoped the new state of affairs in France would turn the disposition of her people to a mind less hostile to England.—The trade of France, it had been said with truth, had been nearly annihilated; but the accounts from the interior of that country did not represent her in so deplorable a state as some gentlemen were willing to suppose; and it was not to be overlooked that the revolution had removed many of those internal grievances, under which she had groaned during the old government. It had abolished the corvees, a most vexatious tax; the feudalities, the odious and unjust immunities of the rich from the payment of taxes, and the privileges of the nobility, by which he did not mean those privileges which placed them as a barrier between the crown and the people, but those which enabled them to oppress and tyrannize over the lower orders of their fellow creatures. In a word, Mr. Fox thought that France had made those reforms which we had done two centuries ago.—Mr. Fox concluded his speech with some observations on the situation of Ireland, and expressed his ardent wishes that the blessings of the constitution might be restored to that unhappy country.

On the dissolution of parliament towards the end of June 1802, it was the wish of Mr. Fox to have retired from public life, but the zeal and importunity of his friends prevailed on him not to withdraw his vast talents from

from the service of the nation; and he published the following forcible address to the electors of Westminster, severely characteristic of the political degeneracy and unblushing subserviency of the late house of commons.

"To the Independent Electors of the City of Westminster.

"Gentlemen,

"Having for some years utterly despaired of rendering any useful service to you or the country, by a regular attendance in the house of commons, I should not have presumed, upon the present occasion, to offer myself to represent you in parliament, if I were not informed by many respectable persons among you, that by so doing I shall best consult the peace and independence of constituents to whom I am under greater obligations than any other man ever owed to persons in a similar relation.

"In consequence of this information, and in compliance with the desire with which it was accompanied, I once more offer myself as a candidate for your favour, and request the honour of your votes and support at the ensuing election.

"At the same time it is fair to state that I see not the smallest reason to expect that the character of the next parliament will be at all different from the last, and that if I find myself in like circumstances, my conduct will be the same.

"To expatiate upon those measures of the late house of commons, which

which have fixed in me so ill an opinion of public affairs, or even to point them out one by one, would far exceed the necessary limits of an address of this nature; suffice it to say, that according to the judgment which I formed of that assembly, the principles of national policy, liberty, humanity, and justice were to them as nothing—the will and pleasure of the crown every thing. No tax, however unjust in its principle, or tyrannical in its execution, did they ever refuse. No enquiry, however disastrous or disgraceful the occasion, did they ever institute. No proposed suspension or surrender of the liberty of the subject seemed to cause among them the slightest hesitation; and if it happened that, in consequence of such measures, the liberty, character, and means of livelihood of individuals were sacrificed to the alledged exigencies of government, not compensation to the sufferers, but indemnity to those who inflicted the suffering, was the first object of their concern. Private misery excited no compassion; torture itself raised no indignation.

"That our general situation is much improved by the peace, I was among the first to admit; and the disposition manifested by the first consul and government of France, to preserve the good understanding between the two nations, a disposition which, I own, appears to be met by a correspondent desire on the part of our present ministers, has every day more confirmed me in my opinion. But it is not to the late parliament that we are, in any degree, indebted for that blessing. If the king's servants had peremptorily refused that very peace which has spread such universal joy through every part of the country—if they had rejected those very terms which have been approved by a majority almost unexampled (on such an occasion) in the annals of parliament, is it a calumny upon the

late house of commons to say, that the conduct of the ministry would, in that case, have been equally sanctioned by their decided approbation.

" When, therefore, my motives are considered, I trust that even such among you as may have disapproved of my abstaining from a regular attendance in parliament will not very severely condemn me; and, if I feel any anxiety for your suffrages upon the present occasion, it is not for the sake of sitting in parliament, but as a proof that the city of Westminster continues to me that kindness and esteem which it has been the object of my life to deserve, and my happiness so long to have enjoyed.

" I am, gentlemen, your most obliged and

" Obedient humble servant,

" CHARLES JAMES FOX."

"St. Anne's Hill, July 1, 1802.

A slight contest ensued at the election, owing to the folly or presumption of an obscure individual of the name of Graham, who, without pretensions of any sort, thought proper to declare himself a candidate. In a few days, however, his cause appearing hopeless, he had the discretion to decline the contest, and Mr. Fox and the court candidate were declared duly elected. The numbers who voted for this election were

Mr. Fox	2673
Lord Gardner	2434
Mr. Graham	1691

Soon after this period Mr. Fox set out on a tour to Paris. In the course of his journey through the interior of France, he was received every where with the profound respect so eminently due to his talents and his

his virtues; and on his presentation to the first consul, that person twice addressed him in terms the most flattering and engaging. If the newspaper reports of what passed at the first interview between these two wonderful men, the one the greatest military leader that the world ever saw, the other unequalled for his political attainments and eloquence, and endowed with all the virtues of the heart, be correct, the first consul accosted him with saying, "There are in the world but two nations; the one inhabits the east, the other the west. The English, French, Germans, Italians, &c. under the same civil code, having the same manners, the same habits, and almost the same religion, are all members of the same family; and the men who wish to light up again the flames of war among them, wish for civil war. Those principles, sir, were developed in your speeches, with an energy that does as much honour to your head as to your heart." From the same authorities it appears that Mr. Fox dined with the first consul on the same day, and held a long and interesting conversation with him on the subject of the freedom of the British press, which Mr. Fox defended with his usual candour and spirit, and maintained the necessity of its continuance as long as England continued a free nation.

The chief object of Mr. Fox's journey to Paris was to consult the public archives for materials towards a history of the revolution of 1688, the composition of which amused his leisure hours in his retirement from parliamentary business. The French government afforded every facility to his researches, and Mr. Fox, in a letter addressed to the editor of the Monthly Magazine, (March 1804,) mentions, that in the archives of the secretary of state's office, Barillon's and d'Avaux's correspondence afforded him much very useful and curious matter: but that the Stuart papers, formerly belonging to the Scotch college, were irrecoverably lost.

—What progress Mr. Fox had made in his projected history, at the time of his decease, I have not the means of determining, but, I fear, from the nature of the work, and the variety of evidence to be examined, and of authorities to be collated, that much progress could not have been made in it.—It is a matter, however, of much satisfaction to reflect, that his papers, in whatever state they may be, are in the hands of a noble person in every way qualified to do justice to the memory of his illustrious relative; and I indulge the hope, which must be common to every friend of freedom, that some interesting remains, be they only fragments, of the pen of so distinguished an advocate and lover of freedom, may yet be made public for our advantage and that of posterity.

Mr. Fox returned to England to attend the opening of parliament in November 1803. The speech from the throne declared, that his majesty was actuated by a sincere disposition for the maintenance of peace, but various circumstances indicated that his majesty's servants were by no means actuated by a disposition as sincere. The press, under their immediate influence, groaned with invectives against the French government, and the minor orators of their party, in both houses of parliament, lost no opportunity of vilifying the character of the chief of the French nation. Instead of endeavouring to allay national animosities, these orators and writers laboured incessantly to kindle anew the flames of national resentment; and the ministers of the crown, if they did not secretly encourage, at least connived at this war of newspapers and vapid declamation.

Mr. Fox, in his speech at the opening of the session, took a most luminous view of the state of European politics, and in the strongest terms

terms deprecated the renewal of hostilities. The continuance of peace, he said, was infinitely desirable: he felt its importance in the strongest manner. But adverse as he was to the renewal of hostilities, he did not mean to assert that no circumstances might have followed the peace, which might justify ministers in refusing to comply with its provisions. He would avow an opinion for which he had not unfrequently been exposed to ridicule, that he considered the preservation of national honour to be almost the only legitimate cause of war. This doctrine he held on the plain principle, that honour is directly and inseparably connected with self-defence. If it could be proved to him that the national honour had been insulted, or the national dignity disgraced, this would be a fair and legitimate cause of recommencing hostilities.—In the circumstances of Europe, he saw no ground of war as far as this country was concerned. It was his conviction that there was on the part of the French government, and of the French people, a strong desire to restore their commerce to new activity, and their manufactures to new life; and this, he believed, was the field in which, if any contest was to be carried on betwixt the two countries, they wished the dispute to be conducted. Mr. Fox said, he lamented as much as any man could do the immense aggrandizements of France; but repeated his former assertion, that "France had been made great by the war, and not by the peace." A good deal had been said about the disposition of the people in this country being in favour of a renewal of the war. But this arose, he affirmed, from the coalition of some newspapers, which affected to hold out this as the real disposition of the people. They might wish to gratify spleen, or to increase their circulation by contriving something to excite the curiosity of their readers; but if the publishers of newspapers were to be the means of plunging the nation again into a destructive contest, it would be the most

most base and ignoble cause in which a people were ever engaged. But we were also told, that a most considerable body in this country, the commercial interest, were strongly actuated with a desire that the war should be renewed. To this representation he was not disposed to give his assent. If, however, the fact were as represented, if human beings were to perish to gratify any passion of our nature, he would rather that their blood should flow to gratify a romantic passion like that of Alexander, than to fill the coffers of a cold calculating body of unfeeling merchants.—When there is not a single power ready to second our efforts, let us not, said Mr. Fox, by a rash step forfeit those blessings which are indispensably and eternally connected with a state of peace.—He did not say he was for peace on any terms, or purchased by any submissions; but he recommended peace as most consonant to the true honour and to the true interests of the nation.

In another of his speeches at this eventful crisis, Mr. Fox recommended the avoidance of those unmanly and illiberal libels, which both in and out of parliament were too frequently levelled at the French government. He declined supporting expensive establishments, because he was of opinion paying off fifty millions of the national debt would strike more terror into our enemies than to maintain fifty thousand seamen. A few years of peace and moderate establishment would enable us to throw off a considerable part of that debt, which in war was called the best ally of France; while peace would equally tend to fortify us in Ireland, a point where it was evident we now were vulnerable. He remarked that the strength of England and France were different; their offensive and defensive systems were different. The credit of this country was the main spring of its greatness and of its wealth. In England, the destruction of credit,

credit, though it might not be attended with the loss of the independence of the country,—for we might still possess men and arms,—yet would spread infinite misery over the land. He was, therefore, of opinion, that we should above all things ward our finances and credit from danger, and that this was only to be done by wise and provident economy.

On the rupture with France, Mr. Fox blamed the conduct of ministers in the course of the negociation, which, he was of opinion, might have been brought to a favourable issue, had they acted with temperance and discretion. Before he could be convinced that the war was necessary, he must be convinced, he said, that it was just, and this he was unable to discover in the documents laid before the house. After predicting, what we have seen so dreadfully fulfilled, the slight prospect of the powers of the continent coalescing successfully against France, or operating as a diversion in our favour, Mr. Fox gave notice of his intention to bring forward a motion for an address to the king, beseeching his majesty to employ the mediation of the emperor of Russia for the purpose of putting an amicable termination to the contest as speedily as possible. Accordingly, on the 27th of May, a few days after hostilities had actually commenced, he made a motion to that effect, and in a most energetic and masterly speech pointed out the numerous advantages which must attend such a negociation. No reply was attempted to be made to Mr. Fox's arguments, but the motion was withdrawn, on the ground that it was calculated to unhinge the public mind; at the same time ministers expressed an earnest desire to cultivate the friendship of Russia.

Soon after the renewal of hostilities, the political incapacity of Mr. Addington and his colleagues became so apparent, that just apprehensions were

were entertained that the enemy, through the imbecility of his majesty's advisers, might be able to carry his plan of invasion into effect; and therefore, as a measure of safety, it appeared necessary for Mr. Fox and Mr. Pitt to unite the strength of their several parties to procure the removal of a weak and inefficient administration. Accordingly, in the ensuing session of parliament Mr. Pitt supported Mr. Fox's motion for a committee to consider of the defence of the nation, and Mr. Fox supported Mr. Pitt's motion for an enquiry into the naval means of defence that had been adopted. It was now thought that Mr. Pitt and Mr. Fox must necessarily come into power together; and the nation at large, which had so long seen these two great men opposed to each other as rivals, hailed with joy the prospect of seeing their enmities forgotten, and their talents united, for the preservation of the state. But the insidious politics and selfish ambition of Mr. Pitt prevented the hopes and the wishes of the people from being realized. When Mr. Addington had been compelled to resign, by the efforts of Mr. Fox and himself, instead of insisting, as the more noble-minded and spirited part of his former colleagues, lord Grenville, earl Spencer, Mr. Windham, &c. did, on the admission of Mr. Fox to a share of power, as the *sine qua non* on which alone they would undertake the responsibility of government, he, in an ill-fated moment, was again advanced to the head of affairs, and this country, once more, unhappily found itself under the guidance of a minister whose political career was covered with disgrace, and whose name can scarcely ever be mentioned but with execration.

But Mr. Fox was consoled for the duplicity of the minister by the firmness of his new allies, the Grenville party, who resolutely refused to come into power without Mr. Fox's co-operation; and it must likewise have

have been a gratification to him, at this time, to have been united once more in sentiment and confidence with some of those old friends whom the French revolution had separated from him, among whom was Mr. Windham, who now cordially and powerfully supported most of the opinions of his ancient leader. Sensible of the dangers to which his country was exposed, and animated with an earnest desire, if possible, to avert the ruin that menaced her, Mr. Fox watched the proceedings of ministers with a vigilant eye, and notwithstanding the love of retirement he had so frequently expressed, determined to scrutinize their conduct minutely. In the session of 1805 he was particularly active, and it must be confessed that the events of that session were of a nature well calculated to draw forth the great powers of his mind.

In the discussions on the policy of a war with Spain, he strongly reprobated the insidious instructions sent out to Mr. Frere to prolong the negociation, at the very time when orders were given to our naval officers to stop the ships of that power. To what purpose, said he, instruct Mr. Frere to negociate on the footing of tranquillity, still existing? To what purpose labour to prolong a peace, when war was actually begun? It was like saying, when a man had been already hanged, let him have a fair trial to see whether there was reason to hang him or not. Indeed there was something in the transaction that equalled in bad faith any of the most perfidious acts of the worst governments in any age. What instance, unreprobated and uncondemned by history, could be found to justify it? Suppose that discussions existed between any governments; that a public minister was directed to negociate for the removal of any obstacle that might disturb the existing tranquillity: suppose that with much address he had prevailed on the pride of the other government to submit to

concessions, that he had brought them to a temper of conciliation; a post arrives from his court, and those with whom he had negociated, then imagining that they were to reap the fruit of their concessions, instead of the confirmation of peace, find it announced that acts of open hostility had been committed while negociations were going on upon the footing of actual tranquillity. What must be the feelings of such a government? What would be thought of any public minister who could bend himself to such a scene of fraud and duplicity? Was it possible that any person in the rank of a gentleman could descend to play so unworthy a part? Yet what was the fact? Had not the Spanish frigates been captured, and was not Mr. Frere instructed to negociate as on the footing of uninterrupted peace, and to bring matters to an arragement, keeping altogether out of view the hostilities committed? He had no doubt, therefore, that Mr. Frere must have been imposed upon when employed to carry on a negociation, concealing from Spain so important a fact as the capture of her frigates by an act of open hostility. What could have been the avail of any arrangement while that fact was unknown? Was it not in itself nugatory, and to the Spaniards most insulting, to negociate with them, concealing so important a circumstance? Was there any good precedent for such a proceeding? If it was a measure of war that the Spanish frigates were captured, it was in pursuance of a system of policy altogether irreconcileable to good faith. If it was as precaution, it was not a measure that partook of the nature of precaution, because measures of precaution were directed only against particular dangers; but the danger from the Spanish treasures, or Spanish power, were dangers not existing at particular movements merely, but dangers of that sort that were to be removed, not by precaution merely, but by war.—With respect to the necessity of a declaration of war, he said, that though wars had commenced without declaration,

claration, yet, the best authorities stated it to be most eligible to declare war first; and there was an instance at the commencement of that glorious war which began in 1702, that the government then, by a public proclamation in the Gazette, ordered all ships seized and detained, previous to the declaration of war, to be released, as was stated in the proclamation "in pursuance of the laws of nations."

In reply to what had fallen from the ministerial speakers, that the conduct of opposition would have a tendency to damp the courage and zeal of the public, by censuring the measures of government, or arraigning the justice of the war, Mr. Fox asked, what could tend more to damp the national spirit, or to make the people question the resolves of parliament, than a supposition that they did not speak or vote as they really thought, but were influenced by fears of making unfavourable impressions on the public mind. As, however, both in public and in private life, sincerity was the source of confidence, and in order to convince men of one's sincerity it was necessary to be sincere, he conceived it his duty to declare his real sentiments, and to lay before his majesty his real opinions. Thinking the conduct of administration culpable both in the conduct of the negociation, and in the war with Spain, he saw no reason why he should not, by his speech and by his vote, express those sentiments, and therefore he gave his hearty assent to the amendment proposed by Mr. Grey.

Mr. Fox took an animated part in the discussions, unhappily so unavailing, to bring the delinquencies of lord Melville to punishment. In an admirable speech on Mr. Whitbread's motion (April 8, 1805) for a series of resolutions criminating the conduct of lord Melville; it was pretended, Mr. Fox said, that no loss had accrued to the public from the malversation

of the noble delinquent; and a very singular argument was advanced, that as there was no loss, there was no risk. "Now," said Mr. Fox, "it happened in certain parts of my life, which I do not quote to recommend my example to others, that I was in the habit of engaging in certain speculations which are commonly called gaming. If a man should in that kind of speculation win a large sum of money, I am sure that an argument would not thence arise that he had made no risk. I rather think that the inference would be that his risk was considerable. Probably, however, in this case, lord Melville did take care that his agent should not lose any money. Trotter was the confidential agent of lord Melville, and lord Melville the confidential agent of the state; therefore, in this sort of speculation in which Trotter engaged, lord Melville could guard against much risk. If two men play cards together, and a third person stands behind one of them, and throws out hints to the other, he that receives the hints is tolerably sure of winning. Just so in this business: lord Melville knew when navy bills were likely to be founded, and Trotter might act upon his information."

In another part of his speech Mr. Fox was particularly severe upon the answers made by lord Melville to the board of naval enquiry, from whose report the subsequent proceedings originated. He could not, he said, enter into the particulars of the report without disgust. It disgusted him to think that a man with whom he had any connection, although that connection was even of a hostile nature—that a man belonging to such a class in society—that any man of rank would, upon being asked a question, refuse to answer, "*lest he should criminate himself.*" He would appeal to any man who had a spark of honour in his bosom, whether he would not sooner have submitted to any punishment than have returned such

such an answer. The noble lord had stated in his attempt at defence, that he had not authorised Trotter to apply any of the public money for his benefit or advantage "*to the best of his recollection!*" "Now," said Mr. Fox, "my objection to this is, that the noble lord should have occasion to mention his *recollection* at all. There are some cases where a man may be allowed to speak as to his recollection, while in others, to mention it is to betray him. If a man was asked whether he was on a particular night in a room with a John-a-Noakes, it might be very well to answer, that to the best of his recollection he was not; but if he were asked whether John-a-Noakes did not charge him with an attempt to pick his pocket, and kick him out of the room, what would be the inference if he were to answer, that John-a-Noakes did not, "*to the best of his recollection.*"

In some of the debates that occurred in the investigation of this business, it was affirmed by the friends of lord Melville, and by his son (Mr. W. Dundas) in particular, that the example of lord Holland justified lord Melville, and that the peculations of the former noble lord had furnished Mr. Fox with the means of defraying the extravagancies of early life. To this attack Mr. Fox made a most feeling and animated reply. "Although a considerable time has elapsed since the death of my father," said he, "I cannot but feel a high interest in whatever concerns his reputation. What the right honourable gentleman could mean by calling him to my recollection, unless to create an uneasiness in my breast, I am at a loss to imagine. For how does the case of my father apply to that of lord Melville? There was no law to forbid the paymaster of the army to apply the balances remaining in his hand to any purposes of private emolument, at the time lord Holland held that office. The difference between the case of lord Holland and lord Melville is this, that the conduct of the former

former was not against law, while that of the other was in the very teeth of a law proposed by himself."—With respect to the allusion to his own conduct in early life, Mr. Fox said, "I undoubtedly gambled a good deal, and I feel also that I continued that practice much too long, and lost a considerable sum of money. My father, no doubt, left me a large fortune, —but how the right honourable gentleman can infer that my manner of spending that fortune can afford any proof of my connivance, in what he considers my father's improper manner of obtaining it—or that I was privy to the misappropriation of the public money, I leave it to the house to conjecture—What I speculated with was my own property, what lord Melville hazarded was the property of the public."

Early in the session Mr. Fox presented a petition from the catholics of Ireland, praying to be admitted to a full participation in the blessings of the British constitution. This boon, so artfully held out to them by Mr. Pitt, lord Castlereagh, and the marquis Cornwallis, as an ample indemnity for the surrender of their legislative independence, it was now thought unsafe to grant, and those statesmen (if the epithet statesman can be gravely applied to the mercenary politician who so infamously bartered away the rights of his native country, in the Irish house of commons, for English honours and emoluments) now opposed those very claims which they had formerly admitted the justice of, and which their promise to support had been the means of carrying into effect their favourite, but strongly-resisted measure of a consolidation of the legislatures of the two kingdoms. The catholics applied in the first instance to Mr. Pitt, but he giving a cool and discouraging answer to their application, they requested Mr. Fox to present their petition to parliament, and to support it with the weight of his powerful abilities. The petition was presented to the house

house of commons on the 25th of March, but, in consideration of the magnitude and importance of the subject, was not taken into consideration till the 13th of May. Mr. Fox, after an eloquent exordium, stating the importance of the subject, as being of a nature more grave and serious than any that had for a series of years come under consideration, observed that the complaints of the catholics, in every way in which they could be viewed, were of a nature deeply interesting, as they involved the dearest interests of the empire: if they were attended to, as sound policy would dictate, there could be no doubt, he said, but that the strength and resources of the empire would be wonderfully increased, without detriment to any individual or body of men. He was aware of the prejudices that existed in some minds against any concessions being granted to the catholics; but he hoped the house was too enlightened to entertain them, and that they would recollect the petitioners, whatever were their religious opinions, were still subjects to the same monarch; that they were equally loyal with their protestant brethren; that they paid their contributions to the exigencies of the state with the same chearfulness; and he appealed to their justice whether it was not unmerited as well as cruel, that they should be denied a participation in the common rights of their fellow subjects. The stigma under which they laboured, he said, was as unjust as it was impolitic; and nothing could tend more to weaken the force of the country than the continuance of the penal statutes against the catholics with which our law-books were disgraced. He was aware that cases might be stated where the catholics had been treated with rigour and severity on account of their religious tenets; but such cases, he contended, could not be applicable to the practical view of the question before the house, as in former days, when it was thought necessary to impose restraints on the catholics; those restraints were imposed on them rather on account of

their

their jacobite than religious principles. Some, he observed, had said, we have no objection to make the concessions the catholics demand as a matter of courtesy, but we deny their being granted as a matter of right. This Mr. Fox could by no means allow, and said, if the concessions were acceded to at all, they must be granted as a right, and not be considered as an indulgence. Mr. Fox then proceeded to give a history of the restrictive acts in force against the catholics, in order to ascertain whether they had resulted from necessity, and whether that necessity still existed; and by a most argumentative and masterly chain of reasoning, proved that the necessity was no longer in existence. On the subject of the concessions being a violation of his majesty's coronation oath, he observed that this oath had been framed by parliament itself, and it was absurd to suppose that parliament would ever have committed to the care of the sovereign a power of refusing his assent to measures which the parliament itself might think highly adviseable. It had been said that an opinion entertained in a certain quarter (by his majesty) was inimical to the measure; but to this he should reply, that such an opinion was unknown to the house, and could not be entertained or acted upon.

Towards the conclusion of his speech, Mr. Fox observed, that the British empire was engaged in a war of much expense, with an enemy who did not wage war against us by her army, her navy, her commerce, or her internal resources of money, but by her great and united population. What in such an awful exigency then ought to be the conduct of this country? Ought not measures to be taken to unite every hand and heart in our defence against the common enemy? We had four or five millions of our people, as brave and loyal subjects as any the empire could boast, who laboured under disabilities which cramped their energies, and rendered

dered them useless. The instant they obtained a participation in the common rights of British subjects, these men would come forward and augment both the offensive and the defensive means of government; and the country at large would have cause to bless the day that should give this respectable class of citizens a participation in their common rights. Mr. Fox, after dwelling with great strength on the policy, justice, and expediency of emancipating the catholics from the restraints under which they laboured, concluded with moving that a committee be appointed to take the petition into consideration.—A long debate ensued, in the course of which the justice of the catholic claims was fully admitted by most of the eminent speakers on both sides of the house, but the minister opposing the motion as ill timed, it was negatived by a majority of 336 to 124.

The death of Mr. Pitt on the 23d of January 1806, who may be said to have died almost literally of a broken heart, occasioned by bitter reflection on the calamities in which Europe and his country had been so fatally involved by his measures *, produced, after some lingering delay on the part of the

* The motion for erecting a monument to the memory of that "great and excellent statesman," (as he was called by his admirers) Mr. Pitt, was opposed by Mr. Fox in a speech of much delicacy and unaffected candour. After paying a just tribute to the splendid talents of Mr. Pitt, and expressing his fears that the sentiments he was about to deliver might be ungracious to some of his new friends, "There are cases," said he, "in which our public duty is so clear and imperious, that no desire of praise, no motive of personal respect, no wish to gratify our friends, nor any other consideration, however powerful, can possibly enable us to dispense with it—We must then act as our consciences direct, however painful it may be to our feelings. In my conscience, sir, I believe this to be one of those cases: if the marks of respect were

the colleagues of the late minister, an entire change in his majesty's councils, and Mr. Fox, to the universal joy of the nation, was once more raised

such as did not compromise my public duty in the compliance, no person would join in it more chearfully, more eagerly than I would. If, for instance, it had been proposed to remedy those pecuniary difficulties which Mr. Pitt had incurred in the course of his political life; if it had been proposed to do those things for his relations in that way, which his own acknowledged disinterestedness did not allow him to do; if it had been proposed to supply the deficiencies of his own fortune, I would most willingly consent that all should be done in the most liberal manner. But it is a very different thing to be called upon to confer honours upon Mr. Pitt as "an excellent statesman." Public honours are matters of the highest importance, because they must more or less influence posterity. They ought not therefore to be conferred lightly, but only where merit is clearly seen and acknowledged. When public honours are solicited, it becomes me to consult neither my interest nor my feelings, but to adhere rigidly and conscientiously to my public duty.—It is not to particular acts that we have to look, but to the general effects of his administration. Certainly when I look at lord Chatham's monument, when I find the inscription bearing upon the face of it the grounds upon which it was voted: when I find it there stated, that he had reduced the power of France to a very low ebb, and raised the prosperity of his country to a very high pitch, I must say that the case of Mr. Pitt can never be compared to that of lord Chatham.—I must say, that the country at present is reduced to the most dangerous and alarming situation—a situation which might call for any thing rather than honours to be conferred upon him who had the direction of measures which brought it to that state. It was said, that in the case of lord Chatham there was the most perfect unanimity, though there were many in the house who had opposed his political principles. This was true, but the merit was clear, and the inscription related to points on which there must have been the most perfect unanimity; and though undoubtedly during the seven years' war there was a strong opposition, yet his merit on certain points, to which the inscription referred, was allowed by the bitterest of his antagonists. But though no consideration ought to induce us to betray our trust in conferring

raised to the rank of privy counsellor, and appointed secretary of state for

ferring the public honours, yet there are cases in which the effects of this might be less sensibly felt. For instance, in cases where we should be compelled to oppose particular acts of an administration, we might still make a clear distinction between what was good and what was bad. In the present case I do not wish to enter upon particular acts. But I was always one of those who constantly said that the system to which Mr. Pitt lent his aid was an unfortunate and dangerous system, and the great cause of all the misfortunes and calamities that assailed us in the course of his administration. Being of this opinion, how can I conscientiously say that he was "an excellent statesman?" Let us look at the American war, and the death of lord Guildford. For the private character of that nobleman I had the highest respect and esteem. I lived with him in habits of intimacy and friendship; yet had any attempt been made to confer upon him honours of the nature now proposed, I should certainly have opposed it.—I have been uniformly of opinion, that the system upon which Mr. Pitt acted was productive of the worst effects to this country and to the world. It was a system little calculated to bring forward such men of eminence as himself, though he was so much attached to it. It was owing to him indeed, I am persuaded, that the system maintained its ground so long. His great eloquence, his splendid talents, cast a veil over it, and concealed those things which otherwise would have been exposed in all their hideous deformity. No man can be more desirous than I am, to bury in oblivion those contests in which we had so long been engaged: but I cannot consent to confer public honours, on the ground of his being "an excellent statesman," on the man who, in my opinion, was the sole, certainly the chief supporter of a system, which I had early been taught to consider as a very bad one, an idea which the result has fully and fatally proved. Thinking thus, it cannot be expected that I should so far forget my public duty, and the principles which I have uniformly professed, as to subscribe to the condemnation of those principles, by agreeing to the motion now before the house."

To the motion for the payment of Mr. Pitt's debts Mr. Fox gave his cordial assent, and passed some high encomiums on the disinterested integrity of his deceased rival.

the foreign department *. Never on any former change of administration were so many addresses sent up from all parts of the empire to the throne, expressive

* Mr. Fox, on vacating his seat in parliament, published the following address to his constituents.

" To the Independent Electors of the city of Westminster.

" Gentlemen,

" My seat in the house of commons being vacant by his majesty's having been graciously pleased to appoint me one of his principal secretaries of state, I have once more to solicit your votes and interest to replace me in the honourable situation of your representative.

" It has for five-and-twenty years been the pride of my life to enjoy your uninterrupted confidence and partiality; and my feelings of gratitude have been continually increased by the constancy of your kindness. To make professions would be neither suitable to my time of life, nor to the long connection that has subsisted between us. The crisis is arduous—I feel all its difficulties, and to serve you and my country shall be the business of my life.

" I have the honour to be, &c.

" C. J. FOX."

" Arlington-street, Feb. 8, 1806.

On the day of election, Mr. Fox, after dwelling some time on the calamitous situation into which the measures of the late administration had brought the country, declared that he could have but little inducement to accept a seat in the cabinet, at a period when there was more reason to fear disappointment than to hope success. " We can discern," said Mr. Fox, " little consolation for the past, and but small hopes for the future. There is undoubtedly one splendid exception to the general gloomy state which we have to

expressive of the gratitude of the people; and never was a cabinet formed better entitled to their confidence.

The new ministers proceeded with vigour to correct the abuses that had been so much countenanced by their predecessors, and to draw forth the resources of the empire in a way at once calculated to avert danger from abroad, and to inspire confidence at home. The military defence of the country underwent an elaborate revision, and a committee of finance was appointed, with rigid impartiality in the choice of its members, to examine into and report upon the malversations that were practised in the expenditure of the public treasure. Contrary to the usage of Mr. Pitt's administration, the dangers that threatened the country were not attempted to be concealed from the people, and they were honestly told the extent of the privations they would have to submit to, and the painful sacrifices they would have to make, before they could hope to enjoy the blessings of peace.

to look to; I mean the very high reputation so justly earned by the British navy. Let us hope, that the immortal day of Trafalgar, though so dearly purchased by the death of that great and heroic character who commanded on that occasion, will more than compensate for all that Britain has suffered in every other quarter. We have acted upon public grounds, uninfluenced by any motives of ambition or personal interest. We have undertaken an arduous duty in a perilous crisis, and without much prospect of succeeding as we could wish. But whatever may be the difficulties we have to encounter, your support will enable us to meet them with confidence, and to overcome them with effect. With regard to general politics, I feel that it would not be suitable at my time of life, nor to the long connexion that has subsisted between us, to make professions. I am now, what I always have been—*a friend to liberty, an enemy to corruption, and a firm and decided supporter of that just weight which the people ought to have in the scale of the constitution.*"

In

In these labours Mr. Fox had only an individual share; but still mindful of his former pledges to the public, his attention, at an early period after his accession to power, was turned to the abolition of the slave trade, and a bill brought in by one of his coadjutors, for preventing the importation of slaves, received his most strenuous support. He professed that he had never changed his opinions respecting that detestable traffic; that he felt the total abolition of it as involving the dearest interests of humanity, and as a measure which, however unfortunate the administration with which he had the honour to act might be in other respects, should they be successful in effecting, would entail more true glory upon them, and more honour upon their country, than any other transaction in which they could be engaged.—Mr. Fox afterwards, under the apprehension that it would be impossible for a bill of abolition to pass both houses in the course of the session, moved a resolution expressive of the opinion of the house, that the African slave trade was contrary to the principles of justice, humanity, and sound policy; and also, that the house would proceed with all due speed, and take such steps for abolishing the slave trade, in such a manner, and at such a period, as should be thought most adviseable! The speech which Mr. Fox made on this occasion was one of the last he ever delivered in the house of commons; and he concluded it with observing, that should his motion be carried, he would think all the time he had spent in parliament, now between thirty and forty years, well bestowed. On a division the motion was carried by 114 to 15; andthough Mr. Fox did not live to witness what he had so long ardently desired, the certainty of having given a mortal blow to this accursed disgrace to humanity and the christian name, must have soothed the dying moments of this most benevolent hearted of the human kind.

The

The conduct of the king of Prussia in seizing upon the German possessions of his majesty, and, at the instigation of France, excluding British ships from all the ports in his own dominions, and those under his influence, excited a high degree of resentment in the new cabinet, and measures of retaliation were immediately determined on. Mr. Fox, in a spirited speech, took a detailed view of the aggressions of Prussia, and ably vindicated the conduct that his majesty's servants had adopted. Having shewn that previous to the battle of Austerlitz, Prussia was arbiter of the fate of Europe, Mr. Fox contrasted the conduct of the king of Prussia with that of the powers of Holland and Spain, and declared that that of the latter was honourable, as they could not avoid furnishing either money or men; but that the conduct of Prussia excited pity and contempt. Alluding to the cession of Anspach and Beyreuth, Mr. Fox observed that the degradation of this cession was much increased by the conduct of the people of Anspach, who had entreated their sovereign not to abandon them: it was a great increase of dishonour to sell a brave and loyal people for what was called an equivalent: it was an union of every thing that was contemptible in servility with every thing that was odious in rapacity. The remainder of the speech illustrated in striking terms the baseness, selfishness, and bad policy of Prussia; and he concluded with calling upon the house to support the dignity of the crown, the honour of the British flag, and the freedom of British navigation, by repelling the treacherous aggressions of the court of Berlin.

But by far the most important transaction in which Mr. Fox was engaged, during the short period his invaluable life was spared to his country after his accession to power, was an attempt to put an end to the miseries of war. Of his merits as a negociator there had long been but one opinion

nion throughout Europe, and his well-known disposition for peace precluded all idea of any want of sincerity as to the great object he had in view. Very soon after his acceptance of the seals, a remarkable incident opened the way to a direct communication with the French government. A foreigner waited upon Mr. Fox, and communicated to him a real or pretended project for assassinating the ruler of the French nation, supposing that the design would be satisfactory to the British minister; but never was villain or impostor more mistaken in the quarter where he had chosen to make known his execrable intention. Mr. Fox received his communication with generous indignation; ordered him into the custody of an officer of the police until he could be sent out of the kingdom under the provisions of the alien act, but not before he had (to use his own expression) "as an honest man," communicated the circumstance to the French minister for foreign affairs, in order that precautions might be taken against his attempts, should he continue to entertain his design after he had been sent out of the kingdom.

The answer of the French minister to this frank and generous communication was, as might be expected, suitable to the occasion. He observed that he had laid Mr. Fox's letter before the emperor, whose first words, after having read it, were, "I recognize here the principles of honour and virtue, by which Mr. Fox has ever been actuated. Thank him on my part." The minister would not permit himself to add any thing to the complimentary expression of his master, but concluded in the usual style of diplomatic civility. In another letter of the same date, (March 5th, 1806,) he inclosed the emperor's speech to the legislative body, and observed upon it, "You will see therein that our wishes are still for peace. I do not ask what is the prevailing inclination with you; but

but if the advantages of peace are duly appreciated, you know upon what basis it may be discussed."—The passage in the speech which related to England, was as follows: "I desire peace with England. On my part I shall never delay it a moment. I shall always be ready to conclude it, taking for its basis the stipulations of the treaty of Amiens."

Mr. Fox, in his reply to this communication, objected to the stipulations of the treaty of Amiens, proposed as the basis of the negociation. "The true basis of a negociation between two great powers, equally despising every idea of chicane, would be," he said, "the reciprocal recognition of the following principle; viz. That the object of both parties should be a peace, honourable for both, and for their respective allies, and at the same time, of a nature to secure, as far as in their power, the future tranquillity of Europe. England cannot neglect the interests of any of her allies; and she is united to Russia by such close connections, that she would not treat, still less conclude upon any thing, but in concert with the emperor Alexander; but, whilst awaiting the actual intervention of a Russian plenipotentiary, some of the principal points might however be discussed, and even provisionally arranged.—It might seem that Russia, on account of her remote situation, should have fewer intermediate interests to discuss with France than other powers; but that court, so respectable in every point of view, interests herself, like England, warmly in every thing that concerns the greater or less degree of independence enjoyed by the different princes and states of Europe.

"You see, sir, how inclined we are here to remove every difficulty that might retard the discussion in question. With the resources that we possess, it is most assuredly not on our own account that we need fear a

continuance of the war. Of all the nations of Europe, England, perhaps, is that which suffers the least by its prolongation; but we do not the less commiserate the sufferings of others.

"Let us then do all in our power to terminate them, and let us endeavour, if it be possible, to reconcile the respective interests and glory of the two countries with the tranquillity of Europe, and the happiness of the human race."

The French minister, in his answer to the above, assured the British secretary, that the emperor coveted nothing that England possessed. Peace with France was possible, and it might be perpetual, provided there was no interference in her internal affairs, and that no attempt was made to restrain her in the regulation of her custom duties, to cramp her commercial rights, or to offer any insult to her flag. "It is not you, sir," said he, "who have displayed in many public discussions an exact knowledge of the general affairs of Europe and of France, who require to be convinced that France has nothing to desire except repose, and a situation such as may enable her, without obstruction, to give herself up entirely to the labours of her industry." With respect to admitting Russia to take a part in the negociation, M. Talleyrand observed, that the emperor might accept the mediation of a power possessing a great naval force, because, in that case, the participation of such a power in the peace would be regulated by the same interests that they had to discuss with England; but the mediation Mr. Fox proposed was not of this nature. "You do not wish to deceive us," said M. Talleyrand, "and you are well aware there is no equallity betwixt us in the guaranty of a power which has three hundred thousand men on foot, and no naval force. For the rest, sir,

sir, your communication has a character of openness and precision, which we have hitherto never seen in the communications between your court and us. I will make it my duty to employ the same openness, and the same precision in my reply. We are ready to make peace with the whole world. We wish to dictate to no one. But we will not be dictated to; and no one possesses either the power or the means of doing it."

M. Talleyrand, after signifying the unwillingness of the emperor to treat with Great Britain conjointly with Russia, on account of the remote situation of the latter power, commented on the relative strength of England and France. "Our interests are reconcileable," said he, "inasmuch as they are distinct. You are the rulers of the ocean; your naval forces are equal to those of all the sovereigns of the world united. We are a great continental power; but there are many who equal our power by land, and your maritime preponderance will always place our commerce at the mercy of your squadrons, immediately after your declaring war. Do you think it reasonable to expect that the emperor should ever consent to submit himself to your discretion in continental affairs also? If, masters of the sea through your own power, you propose being masters of the land likewise by a combined force, peace is impossible; for in that case you will be striving for an object which you can never attain." M. Talleyrand concluded with declaring that the emperor fully adopted the principle laid down in Mr. Fox's former dispatch, and offered as the basis of the negociation, "that the peace proposed should be honourable for the two courts, and for their respective allies."

The negociation now turned entirely on the admission of Russia to treat conjointly with England, and, after much discussion on the subject,

Mr. Fox, in a letter dated April 20th, declared, that any negociation in which Russia was not included as a party, was wholly inadmissible. "We wish for peace," said he, "but we cannot wish for any thing that is injurious either to the dignity of our sovereign, or to the honour and interests of the nation. But if we negociated without Russia, considering the intimate ties by which we are united with that power, we should conceive ourselves open to the reproach of having failed in that scrupulous fidelity to our engagements, on which we pride ourselves; whilst, on the other hand, by persisting in our demand that Russia be admitted, we do not conceive that we do any thing contrary to the principle of equality to which both of us lay claim."—In conclusion, he said, "The affair is reduced to one single point. Will you negociate conjointly with Russia? We answer, yes: but if you require us to negociate separately, we answer, no."

After some delays a negociation was at length regularly opened, and the earl of Yarmouth, who had been detained a prisoner in France at the commencement of the war, was invested by his majesty with the proper powers to treat with the French government. For some time the negociation seemed to proceed in a favourable train. The French consented to restore Hanover, without any equivalent, and to cede Malta and the Cape of Good Hope in perpetuity to the British crown. The integrity of the possessions of the Ottoman Porte, and likewise of the dominions of Portugal and Sweden, was guaranteed; France demanded the restoration of the foreign possessions which had been wrested from her in the course of the war, and the recognition of the new titles that had been created in the imperial family. The chief difficulty, in the way to an accommodation, lay in the island of Sicily, which the French wished to annex to the newly-conquered kingdom of Naples, but which his majesty's ministers

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were unwilling to give up. It is probable, however, that, had Mr. Fox lived, this difficulty would have been surmounted, for indemnities might have been found for the king of Naples elsewhere, and were actually proposed by the French minister. But unhappily the declining health of Mr. Fox, at the most critical moment of the negociation, prevented him from giving that attention to public affairs which interests so complicated and discussions so important demanded; and after his death, though the negociations were some time prolonged, it was scarcely to be expected, from the tone and temper of the British negociator, that they could be brought to a happy issue. But these points are foreign to this Work.

To proceed to the closing scene of the mortal career of this illustrious statesman. The health of Mr. Fox had been some months declining, and latterly interrupted his regular attendance in parliament; but it was not till the beginning of August that his friends became seriously alarmed for his safety, and the afflicting intelligence was communicated to the public that his life was in danger. The disease which deprived his country and the world of this bright ornament of human nature was the dropsy, which resisting the efforts of the most eminent of the faculty to subdue, the usual operations in such complaints were twice performed upon him without producing any effectual relief; and lingering but a few days after the second operation, he breathed his last at six o'clock on the afternoon of Saturday the 13th of September 1806, without pain, and almost without a struggle.

All the accounts that have been laid before the public concur in representing the dying moments of this great man to have been in perfect unison with the character of his preceding life. No expressions of peevishness or impatience

impatience escaped him; he bore his sufferings with resignation, and received the intimation of his approaching dissolution with that firmness which nothing but the consolations of an untroubled conscience can bestow in the hour of death. Surrounded by weeping friends, his last moments were employed in acknowledging their kindness and soothing their grief; and, probably alluding to that peace of mind which he felt within, his last words were, "I DIE HAPPY."

Of the character of Mr. Fox, various estimates have been formed; but none, which, in my judgment, do perfect justice to the merits of that incomparable man. I have endeavoured to give with accuracy the leading features of his public life, as a statesman and orator, in the preceding pages, and pointed out some of those strokes of political wisdom and foresight which so eminently distinguished him above all his contemporaries: posterity will probably be enabled to render more ample justice to his memory, for till the hopes and fears of the present day are confirmed or dispelled, till the clashing interests, which at this exigent moment occupy our attention and agitate our minds, are composed, the extent of his worth and the magnitude of our loss, cannot be duly appreciated. When the heats of the present day shall have passed away, and the artifices and intrigues of present parties are forgotten, then the character of Mr. Fox may be fairly weighed, and a rank will indubitably be assigned him among the first men, who, in any times, have done honour to the human name.

So far as concerned his own glory, Mr. Fox lived sufficiently long; but his existence was far too short for the good, not only of his own country, but of Europe and the world, for his benevolence embraced, and his wisdom comprehended the whole of the human race. It is the more particularly

ticularly to be lamented by this nation, that he was overtaken by a mortal disease, at the moment when he had laid the foundation stone of a temple of peace, which, under his hands, might have become a solid and durable structure.

Of the various tributes that have hitherto been paid to the memory of this great man, the most just and the most eloquent perhaps is that from the pen of Sir James Mackintosh, the recorder of Bombay, who, uniting the advantages of an intimate and unreserved acquaintance with Mr. Fox, with a mind capable of appreciating his astonishing powers, pours forth the effusions of his feelings on the subject in the following terms :

" Mr. Fox," says he, " united in a most remarkable degree the seemingly repugnant characters of the mildest of men, and the most vehement of orators. In private life he was gentle, modest, placable, kind, of simple manners, and so averse from dogmatism, as to be not only unostentatious, but even something inactive in conversation. His superiority was never felt but in the instruction which he imparted, or in the attention which his generous preference usually directed to the more obscure members of the company. The simplicity of his manners was far from excluding that perfect urbanity and amenity which flowed still more from the mildness of his nature, than from familiar intercourse with the most polished society of Europe. The pleasantry perhaps of no man of wit had so unlaboured an appearance. It seemed rather to escape from his mind, than to be produced by it. He had lived on the most intimate terms with all his contemporaries distinguished by wit, politeness, or philosophy, or learning, or the talents of public life. In the course of thirty years he had known almost every man

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in Europe whose intercourse could strengthen, or enrich, or polish the mind. His own literature was various and elegant. In classical erudition, which by the custom of England is more peculiarly called learning, he was inferior to few professed scholars. Like all men of genius, he delighted to take refuge in poetry, from the vulgarity and irritation of business. His own verses were easy and pleasant, and might have claimed no low place among those which the French call *vers de societe*. The poetical character of his mind was displayed by his extraordinary partiality for the poetry of the two most poetical nations, or at least languages, of the west, those of the Greeks and of the Italians. He disliked political conversation, and never willingly took any part in it. To speak of him justly as an orator would require a long essay. Everywhere natural, he carried into public something of that simple and negligent exterior which belonged to him in private. When he began to speak, a common observer might have thought him aukward; and even a consummate judge could only have been struck with the exquisite justness of his ideas, and the transparent simplicity of his manners. But no sooner had he spoken for some time, than he was changed into another being. He forgot himself and every thing around him. He thought only of his subject. His genius warmed and kindled as he went on. He darted fire into his audience. Torrents of impetuous and irresistible eloquence swept along their feelings and conviction. He certainly possessed above all moderns that union of reason, simplicity, and vehemence, which formed the prince of orators. He was the most Demosthenean speaker since the days of Demosthenes. "I knew him," says Mr. Burke, in a pamphlet written after their unhappy difference, "when he was nineteen; since which time he has risen, by slow degrees, to be the most brilliant and accomplished debater that the world ever saw." The quiet dignity of a mind roused only

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to great objects, but the absence of petty bustle, the contempt of shew, the abhorrence of intrigue, the plainness and downrightness, and the thorough good-nature which distinguished Mr. Fox, seem to render him no unfit representative of the old English character, which if it ever changed, we should be sanguine indeed to expect to see it succeeded by a better. The simplicity of his character inspired confidence, the ardour of his eloquence roused enthusiasm, and the gentleness of his manners invited friendship. "I admired," says Mr. Gibbon, "the powers of a superior man, as they are blended, in his attractive character, with all the softness and simplicity of a child: no human being was ever more free from any taint of malignity, vanity, or falsehood." From these qualities of his public and private character, it probably arose, that no English statesman ever preserved, during so long a period of adverse fortune, so many affectionate friends, and so many zealous adherents. The union of ardour in public sentiment, with mildness in social manners, was in Mr Fox an hereditary quality. The same fascinating power over the attachment of all who came within his sphere, is said to have belonged to his father; and those who know the survivors of another generation will feel this delightful quality is not yet extinct in the race.

"Perhaps nothing can more strongly prove the deep impression made by this part of Mr. Fox's character, than the words of Mr. Burke, who, in January 1797, six years after all intercourse between them had ceased, speaking to a person honoured with some degree of Mr. Fox's friendship, said, "To be sure he is a man made to be loved!" and these emphatical words were uttered with a fervour of manner which left no doubt of their heart-felt sincerity.

"These few hasty and honest sentiments are sketched in a temper too sober and serious for intentional exaggeration, and with too pious an affection for the memory of Mr. Fox to profane it with any intermixture with the factious brawls and wrangles of the day. His political conduct belongs to history. The measures which he supported or opposed may divide the opinion of posterity, as they have divided those of the present age. But he will most certainly command the unanimous reverence of future generations, by his pure sentiments towards the commonwealth, by his zeal for the civil and religious rights of all men, by his liberal principles favourable to mild government, to the unfettered exercise of the human faculties, and the progressive civilization of mankind; by his ardent love for a country, of which the well-being and greatness were, indeed, inseparable from his own glory; and by his profound reverence for that free constitution which he was universally admitted to understand better than any other man of his age, both in an exactly legal and in a comprehensively philosophical sense."

In his religious opinions (if we may gather his private sentiments from his public declarations, and certainly he spoke on all occasions with equal freedom and sincerity) Mr. Fox was a sincere believer in the doctrines of christianity, without any mixture of bigotry. Whenever he delivered his opinion on the subject of religion in the house, there was never the least appearance of indifference or want of confidence in his faith; but, on the contrary, whenever he had occasion to introduce the subject, his conviction was clear, his piety was rational, and his spirit the same as that which the best annotators on the doctrines of our excellent religion have attributed to its divine author, a spirit of catholic and universal charity. Other public men might be cited as more decorous in their attendance to the

the forms of public devotion than Mr. Fox, but none was ever endowed with a larger portion of what constitutes the essence of religion, and what the inspired writers have denominated the first of christian virtues—charity; and, I may add, though undoubtedly there were and are men of great piety in the house of commons, whose close attention to religious subjects have done them particular honour, I have not, in the whole course of that attention to the parliamentary proceedings of the last thirty years, which the preceding pages of this volume required, found any speeches, or even allusions, to a subject in every age so interesting to man, the hope of the virtuous, the comfort of the afflicted, and the terror of the vicious, so replete with genuine and unaffected religion as those of Mr. Fox.

His remains were interred, by a singular coincidence of circumstances, on the same day as the anniversary of his first return for Westminster, October 10, 1806, with every mark of veneration and sorrow, in Westminster Abbey; and in the affliction of the multitude who attended to pay honour to his memory might be seen an exemplification of the mourning which his death had cast over the land. Never was grief more universal; never could the character that was applied to a Roman patrician, who was snatched at an awful moment from his country, be applied with more propriety than to him whose hallowed remains were followed, in all the solemnity of funeral pomp, to the last sad depository of our kings, our statesmen, our heroes, and our poets.—Truly might it be read of him in the eyes of sorrowing thousands, as well those who were endeared to him by personal attachment, as those who revered him only on the public report of his virtues, HOC MORS LUCTUOSUM FUIT SUIS, ACERBUM PATRIA GRAVE OMNIBUS BONIS.

THE END.

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